

IN THE COURT OF COMMON PLEAS
of YORK COUNTY
CIVIL DIVISION

DYLAN SEGELBAUM *and*
THE YORK DAILY RECORD,
Respondents,

v.

YORK COUNTY,
Petitioner.

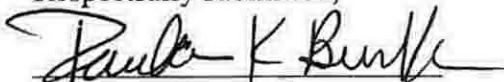
NO. 2022-SU-000516

YORK COUNTY PROthonotary
2022 OCT -3 AM 10:35
JUDICIAL CENTER YORK PA

NOTICE OF APPEAL

Please take notice that Dylan Segelbaum and the York Daily Record, Respondents above named, hereby appeal to the Commonwealth Court of Pennsylvania from the order entered in this matter on the 6th day of September, 2022. *See* Exhibit A. Said order has been entered in the docket as evidenced by the attached copy of the docket entry. *See* Exhibit B. A transcript of the proceedings held before the Honorable Matthew D. Menges on June 3, 2022 has been lodged of record and is attached as Exhibit C.

Respectfully submitted,



Paula Knudsen Burke
PA Bar No. 87607
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
P.O. Box 1328
Lancaster, PA 17608
(717) 370-6884
pknudsen@rcfp.org

Jim Davy
PA Bar No. 321631
ALL RISE TRIAL & APPELLATE
P.O. Box 15216
Philadelphia, PA 19125
(215) 792-3579
jimdavy@allriselaw.org

Counsel for Dylan Segelbaum and the York Daily Record

Dated October 3, 2022

RECEIVED

OCT 04 2022

OFFICE OF OPEN RECORDS

CERTIFICATE OF SERVICE

I certify that on this 3rd day of October, 2022, I caused a true and correct copy of the foregoing document to be served via email and First-Class, certified U.S. mail on the following:

The Honorable Matthew D. Menges
Nineteenth Judicial District of Pennsylvania—County of York
45 N. George Street
York, PA 17401

Michéllé Pokrifka
York County Solicitor
York County Administrative Center
28 East Market Street, 2nd Floor
York, PA 17401
MPokrifka@YorkCountyPA.gov

Joshua T. Young
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-1825
joshyoung@pa.gov

RECEIVED
YORK COUNTY PROthonotary
2022 OCT -3 AM 10:36
JUDICIAL CENTER YORK-PA

I further certify that this document complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.



Paula Knudsen Burke (No. 87607)

Exhibit A

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
CIVIL DIVISION

DYLAN SEGELBAUM AND THE
YORK DAILY RECORD

:
:
:
:
:
:

NO.: 2022-SU-000516

v.

YORK COUNTY

ORDER DISMISSING APPEAL AS MOOT


AND NOW, this 6th day of September, 2022, upon consideration of the appeal of
York County from the decision of the Office of Open Records, said appeal is hereby
DISMISSED as moot.

BY THE COURT:

Matthew D. Menges
MATTHEW D. MENGES, JUDGE

RECEIVED
CLERK OF COURT
2022 SEP -6 PM 1:56
JUDICIAL CENTER YORK PA

Exhibit B



DOCKET ENTRY DETAILS
DYLAN SEGELBAUM vs. YORK COUNTY

Public Web User Home Help
2022-SU-000516

Close

Entry Details

Entry Date/Time: 9/6/2022 9:02:41 AM

Entry Category: ORDER DISMISSING APPEAL

Notes: ORDER DISMISSING APPEAL AS MOOT BY THE COURT MATTHEW D MENGES JUDGE

Clear

Created By: D. Rivera

Docket Entry Documents

<input type="checkbox"/>	Date	Description	Pages	...
<input type="checkbox"/>	9/8/2022 9:03:44 AM	2022-SU-000516_ORDER DISMISSING APPEAL_09082022090326	1	

View Selected (Merged)

Exhibit C

IN THE COURT OF COMMON PLEAS OF YORK COUNTY,
PENNSYLVANIA

DYLAN SEGALBAUM and THE : No. 2022-SU-000516
YORK DAILY RECORD :
VS :
YORK COUNTY :

(Case Management
Conference)

York, Pa., Friday, June 3, 2022

Before the Honorable Matthew D. Menges, Judge

APPEARANCES:

Paula Knudsen Burke, Esquire
Charles Hogle, Esquire
Jim Davy, Esquire
For the Plaintiffs

Michelle Pokrifka, Esquire
Solicitor
For the Defendant

TRANSCRIPT OF PROCEEDINGS

Reported by:

Sherri A. Reitano, RPR
Official Court Reporter

INDEX TO WITNESSES

<u>FOR THE PETITIONER:</u>	<u>PAGE</u>
SHAWN ROHRBAUGH	
Direct Examination by Attorney Pokrifka	11
Cross-Examination by Attorney Davy	34
Redirect Examination by Attorney Pokrifka	62
Recross-Examination by Attorney Davy	--
JOSEPH GARCIA	
Direct Examination by Attorney Pokrifka	76
Cross-Examination by Attorney Knudsen Burke	112
Redirect Examination by Attorney Pokrifka	155
Recross-Examination by Attorney Knudsen Burke	157

INDEX TO EXHIBITS

<u>PETITIONER'S EXHIBITS:</u>	<u>MARKED</u>	<u>ADMITTED</u>
A - Right-to-Know Request	12	164
B - Service Agreement	78	164
C - Second Contract	13	164
D - E-mail	17	164
E - Document	29	164
F - Document	29	164
G - E-mail	91	164

<u>RESPONDENT'S EXHIBIT NO.</u>	<u>MARKED</u>	<u>ADMITTED</u>
1 - Document	126	129
2 - Document	41	--
3 - Video	133	163

PROCEEDINGS HELD ON FRIDAY, JUNE 3, 2022

* * *

10:06:05 4 THE COURT: Good morning, everyone.

10:06:06 5 ATTORNEY KNUDSEN BURKE: Good morning.

10:06:10 6 THE COURT: We're here this morning to I
10:06:18 7 guess figure out where we go from here is the best way
10:06:21 8 to phrase that.

10:06:23 9 ATTORNEY POKRIFKA: Yes.

10:06:24 10 THE COURT: So let me start with whether
10:06:29 11 this is something that we need to have a hearing on or
10:06:33 12 whether the parties can supplement the record and
10:06:35 13 submit it on the record with briefing, what are your
10:06:40 14 thoughts and intentions as far as that goes?

10:06:43 15 ATTORNEY POKRIFKA: Well, Your Honor, I
10:06:45 16 will say that we did attempt to come up with a
10:06:47 17 stipulation of facts. You know, considering the
10:06:51 18 election and my unavailability for some period and I
10:06:54 19 knew Paula was unavailable as well, but we did try.

10:06:57 20 I think we are pretty far off on what we
10:06:59 21 believe is relevant for the Court to look at. And so
10:07:02 22 maybe we can spend a little bit of time chatting about
10:07:05 23 that.

10:07:06 24 THE COURT: Okay.

10:07:06 25 ATTORNEY POKRIFKA: I do think though

10:07:08 1 that some testimony may be relevant just because I
10:07:12 2 believe the cases and the Right-to-Know Law
10:07:15 3 specifically indicate third-party records have to
10:07:17 4 directly relate to the services provided. And I think
10:07:20 5 the timeline within which these records were obtained
10:07:22 6 by the County and why is relevant. And I haven't
10:07:25 7 provided that in my position statement to the OR or
10:07:30 8 into the brief, you know, that we are preparing for
10:07:33 9 Your Honor.

10:07:34 10 THE COURT: Okay.

10:07:35 11 ATTORNEY KNUDSEN BURKE: Good morning,
10:07:36 12 Your Honor. Paula Knudsen Burke. Burke is just fine.
10:07:40 13 There are a lot of names there. With me today is my
10:07:42 14 co-counsel, Jim Davy and Charles Hogle who you just
10:07:45 15 signed the order for this week -- thank you -- and our
10:07:48 16 client, Dylan Segelbaum, and our litigation support
10:07:51 17 should we get to the point where we need to play some
10:07:53 18 videos. That technology skill escapes me. So he's
10:07:58 19 here to help out with that.

10:08:00 20 And I agree with counsel that some
10:08:04 21 testimony here today would be helpful for the Court.
10:08:06 22 We did attempt -- my colleague, Mr. Hogle, was able to
10:08:12 23 exchange some stipulation ideas, and I think we are
10:08:17 24 pretty far apart. And for the Court's, you know, use
10:08:23 25 in this matter, I do think that having the testimony

10:08:26 1 that is proposed today with the timeline and some of
10:08:29 2 the basic facts, we don't have that from the Office of
10:08:33 3 Open Records certified record that came up to you. So
10:08:37 4 that information here today would be helpful. And we
10:08:39 5 do not have any witnesses. Of course, we would be
10:08:43 6 prepared to cross-examine. I think there are two
10:08:45 7 witnesses proposed by the County today.

10:08:48 8 And then after that, we are hoping for a
10:08:52 9 briefing schedule once we get the transcript and can
10:08:55 10 kind of digest the facts that come out today.

10:09:00 11 ATTORNEY POKRIFKA: I agree, Your Honor.
10:09:01 12 I think probably as Attorney Burke indicated that some
10:09:05 13 of the facts are relevant. I think this is -- and I
10:09:09 14 don't know why we keep having those convoluted cases.
10:09:13 15 But it is a convoluted one in that I believe our
10:09:16 16 position is that the OR did not give us sufficient time
10:09:20 17 to really look at the information that had been
10:09:23 18 provided, why it had been provided, what it actually
10:09:26 19 saw. And once we knew we lost at the OR, we had to
10:09:32 20 preserve what we had despite the fact we didn't believe
10:09:34 21 that it was responsive or even a public record.

10:09:37 22 So I do think a lot of that is legal --
10:09:39 23 a legal issue for the Court to determine. So -- but I
10:09:42 24 do think that some of the facts surrounding that is
10:09:45 25 going to be relevant for your consideration as well.

10:09:47 1
10:09:49 2
10:09:49 3
10:09:53 4
10:09:56 5
10:10:01 6
10:10:03 7
10:10:07 8
10:10:10 9
10:10:14 10
10:10:19 11
10:10:19 12
10:10:20 13
10:10:24 14
10:10:30 15
10:10:33 16
10:10:36 17
10:10:37 18
10:10:43 19
10:10:52 20
10:10:55 21
10:10:59 22
10:11:02 23
10:11:05 24
10:11:08 25

THE COURT: Okay.

ATTORNEY KNUDSEN BURKE: I'm sorry, Your Honor. If I just may tag on there. One of the things that is helpful here for you today is this is a de novo proceeding. So the County has the opportunity -- there was, as I understand it, some timing and miscommunication from the OR to the solicitor's office.

So we certainly don't object to the -- and as a matter of law, the County is permitted to present witnesses and argument here today and later in briefing.

One thing that I did want to raise before we got too far into it is we do not object to an in camera review by the Court of the records subject here. We have seen I think 12 pages of the approximately 129 pages.

ATTORNEY POKRIFKA: No. What I would say is what the County did provide was a redacted copy of a CV -- of an actual CV. And the 129 pages are substantive pages. There is actually 142 but there are some title pages. So it is 129 substantive pages of information. None of that has been provided, Your Honor. We do not believe it is a public record. We do not do believe it is a CV even if the Court would determine it is a public record. And we also believe

10:11:09 1 it is protected as confidential information of a third
10:11:13 2 party vendor. So -- and what the contents of that 129
10:11:18 3 substantive pages individually may also, even if it
10:11:23 4 were deemed to be a public record, may be excluded
10:11:27 5 under the Open Records Act under Section 708 for
10:11:31 6 various reasons.

10:11:32 7 THE COURT: Okay. So are we ready to
10:11:35 8 move forward with some testimony at this point or are
10:11:39 9 there other preliminary issues you want to address
10:11:40 10 first?

10:11:40 11 ATTORNEY POKRIFKA: Well, the one
10:11:41 12 preliminary issue I would like to address, Your Honor,
10:11:43 13 is in the request to reach a stipulation, I was
10:11:47 14 requested to agree to a listing of a number of videos
10:11:52 15 that I have never seen, that my client has never seen.
10:11:55 16 And I'm not sure -- and I understand that we have an
10:11:58 17 expert here today from Capitol Support Litigation, Mr.
10:12:02 18 Betzko, to provide those videos. And I would ask for
10:12:04 19 an argument on the relevance.

10:12:06 20 We are here today on a request
10:12:07 21 specifically for a curriculum vitae for Joseph Garcia.
10:12:11 22 And I understand that 129 substantive pages are now up
10:12:15 23 for review. But I fail to see the relevance in their
10:12:22 24 request for either our stipulation or the Court to view
10:12:24 25 those videos.

10:12:24 1 ATTORNEY KNUDSEN BURKE: Your Honor,
10:12:25 2 upon cross-examination I will make an offer of proof
10:12:28 3 for each video and, of course, I will seek to
10:12:32 4 authenticate them.

10:12:34 5 My understanding is Mr. Garcia, one of
10:12:36 6 the witnesses here today, that he created and publicly
10:12:39 7 posted these videos so that he should be able to
10:12:43 8 authenticate them as his own videos that he created and
10:12:45 9 posted. But, of course, we will go through the
10:12:48 10 standard colloquy about whether or not that is
10:12:50 11 admissible and relevant and go from there. And for our
10:12:55 12 paper exhibits, I do have my stickies if you need them.
10:12:58 13 For this one, I don't know how, if they come into
10:13:01 14 evidence, you would like to mark them. But I have them
10:13:04 15 available through links that we can share or otherwise.

10:13:08 16 But at this point, you know, I don't --
10:13:12 17 I don't know whether the Court will determine that they
10:13:14 18 are relevant. But I certainly can make an offer of
10:13:16 19 proof upon each video if we get to that.

10:13:19 20 My understanding is that Mr. Garcia will
10:13:21 21 testify to the nature of his curriculum vitae and that
10:13:25 22 some things in there are confidential and should not be
10:13:29 23 shared with the public.

10:13:32 24 Our position is he already has shared
10:13:34 25 much of this publicly through postings on YouTube and

10:13:37 1 Facebook. So we seek to cross on that. But we can get
10:13:41 2 to that point when we get to it.

10:13:44 3 THE COURT: Okay. So what I hear is she
10:13:49 4 is not sure she is going to even get to the videos. So
10:13:52 5 it sounds like we are going to have to deal with that
10:13:53 6 at the point in time when we get to each video.

10:13:59 7 ATTORNEY POKRIFKA: Thank you, Your
10:14:00 8 Honor. I would call Shawn Rohrbaugh to the stand.
10:14:07 9 Your Honor, do you want me to put the caption of the
10:14:08 10 case in the record first?

10:14:23 11 THE COURT: We don't need to. She has
10:14:24 12 the caption. Mr. Rohrbaugh, come up here.

10:14:28 13 * * *

14 SHAWN ROHRBAUGH,
15 called as a witness

16 having been duly sworn according to law,
17 testified as follows:

10:14:36 18 * * *

10:14:36 19 THE COURT: Have a seat and just make
10:14:37 20 sure you speak into the microphone for me.

10:14:40 21 THE WITNESS: Okay.

22 THE COURT: Sir, I would ask that you
10:14:46 23 spell your first and last name for me.

10:14:46 24 THE WITNESS: Okay. Shawn, S-h-a-w-n,
10:14:51 25 Rohrbaugh, R-o-h-r-b-a-u-g-h.

10:14:41 1

* * *

10:14:41 2

DIRECT EXAMINATION

10:14:54 3

BY ATTORNEY POKRIFKA:

10:14:55 4

Q. Can you pull that just a little bit closer to you?

10:14:57 5

10:14:58 6

A. Okay.

10:14:59 7

10:15:01 8

Q. Mr. Rohrbaugh, can you provide to the Court your position and title with the York County Prison?

10:15:04 9

A. Yes. I'm the intelligence commander.

10:15:07 10

10:15:11 11

Q. Okay. Are you aware of a right-to-know request that is on appeal here today?

10:15:14 12

A. Yes, I am.

10:15:14 13

10:15:17 14

Q. Do you handle some of the right-to-know requests related to security matters?

10:15:19 15

10:15:22 16

A. I don't handle the right-to-know requests, no.

10:15:22 17

10:15:24 18

Q. You're specifically aware of this right-to-know request?

10:15:25 19

A. Yes.

10:15:29 20

10:15:29 21

ATTORNEY POKRIFKA: Can I approach, Your Honor?

10:15:29 22

THE COURT: You may.

10:15:30 23

ATTORNEY POKRIFKA: Okay.

10:15:33 24

10:15:34 25

THE COURT: And, counsel, both of you need not ask to approach. You can approach as

10:15:37 1 necessary.

10:15:38 2 ATTORNEY KNUDSEN BURKE: Thank you, Your
10:15:39 3 Honor.

4 (Right-to-Know Request premarked for
5 identification as Petitioner's Exhibit A.)

6 BY ATTORNEY POKRIFKA:

10:15:56 7 Q. Commander Rohrbaugh, I'm going to show you
10:15:56 8 what has been marked as Petitioner's Exhibit A. Do you
10:16:00 9 recognize that document?

10:16:02 10 A. Yes, I do.

10:16:03 11 Q. Had you reviewed that document in the past?

10:16:05 12 A. Yes.

10:16:05 13 Q. Okay. And can you indicate what this
10:16:08 14 right-to-know request is requesting?

10:16:10 15 A. It is requesting a copy of the curriculum
10:16:14 16 vitae for senior team leader Garcia.

10:16:18 17 Q. What is the date of that?

10:16:20 18 A. Date requested was November 12, 2021.

10:16:24 19 Q. November of 2021. Okay. In your role as
10:16:30 20 commander of the security division, are you involved at
10:16:32 21 all with the services that Mr. Garcia provides the
10:16:35 22 prison through CSAW?

10:16:38 23 A. Yes. I'm the SAU commander. I'm aware of
10:16:43 24 the training and services.

10:16:45 25 Q. Okay. Are you aware of the contracts that

10:16:50 1 have been entered into between the County and the
10:16:52 2 prison board and CSAU?

10:16:55 3 A. Yes, I'm aware of them.

10:16:56 4 Q. Have you seen copies of those contracts?

10:17:06 5 A. Yes, sometime ago.

10:17:09 6 Q. I'm going to show you what we've marked as
10:17:17 7 Petitioner's B. Is that a redacted contract with CSAW?

10:17:24 8 A. Yes, it is.

10:17:24 9 Q. And you've seen that document previously?

10:17:27 10 A. I have.

10:17:27 11 Q. Okay. And what is the date of that?

10:17:29 12 A. 18 November 2020.

10:17:32 13 Q. And was a second contract entered into
10:17:35 14 between the County and CSAW?

10:17:40 15 ATTORNEY KNUDSEN BURKE: CSAU.

16 THE WITNESS: Yes.

17 (Second Contract premarked for
18 identification as Petitioner's Exhibit C.)

19 BY ATTORNEY POKRIFKA:

10:17:42 20 Q. I'm showing you what has been marked as
10:17:42 21 Exhibit C. Is that the second contract that was
10:17:45 22 entered?

10:17:45 23 A. Yes, it is.

10:17:46 24 Q. Okay. And what's the date of that contract?

10:17:49 25 A. 17 November 2021.

10:17:51 1 Q. Prior to the initial contract being entered
10:18:04 2 into, did you do any kind of vetting or search of Mr.
10:18:12 3 Garcia or CSAU?

10:18:14 4 A. Yes. I had already heard of CSAU, and Mr.
10:18:19 5 Garcia came up for presentation after I reached out to
10:18:23 6 him. And he showed me some documents that had some
10:18:28 7 references, and I contacted those references and
10:18:32 8 conducted an NCIC background check.

10:18:35 9 Q. An NCIC background check, what is that?

10:18:37 10 A. From the National Crime Information Center.
10:18:40 11 It is a criminal history search.

10:18:43 12 Q. Do you do that with most vendors or
10:18:46 13 individuals either hired or used by the prison?

10:18:48 14 A. Yes.

10:18:49 15 Q. Okay. So would you say you did a routine
10:18:51 16 check?

10:18:52 17 A. I did a routine check, yes.

10:18:53 18 Q. Did you ask Mr. Garcia or any member of CSAU
10:19:00 19 with his agency for any kind of CV or curriculum vitae
10:19:05 20 or let's call it a résumé before you did that?

10:19:08 21 A. I did not request one, no.

10:19:10 22 Q. Okay. The 129 pages that are at issue here
10:19:14 23 before we get into that, did you ask for or receive
10:19:17 24 that information at all prior to the 2020 contract?

10:19:20 25 A. No.

10:19:21 1 Q. Okay. Did Mr. Garcia provide any information
10:19:26 2 to assist you with his background check prior to 2020?

10:19:32 3 A. The only information that I was shown was
10:19:39 4 basically some phone numbers, points of contacts as
10:19:43 5 references, and different photographs of different
10:19:47 6 places where there was some training.

10:19:49 7 Q. Okay. Was it 129 pages of documents?

10:19:52 8 A. No.

10:19:52 9 Q. Okay. Were you able to retain or keep any of
10:19:56 10 that information?

10:19:57 11 A. No.

10:19:57 12 Q. Okay. So how did he get that information to
10:20:01 13 you?

10:20:01 14 A. He brought it, physically brought it up to
10:20:05 15 York County Prison.

10:20:05 16 Q. Did you review it in his presence?

10:20:07 17 A. Yes.

10:20:07 18 Q. Okay. And did -- who -- what happened to the
10:20:11 19 documents after you reviewed them?

10:20:13 20 A. Mr. Garcia took them with him.

10:20:15 21 Q. Okay. So it all happened on one day?

10:20:17 22 A. Yes.

10:20:17 23 Q. Okay. Were you satisfied with your own
10:20:21 24 individual background check with regard to his
10:20:26 25 experience?

10:20:26 1

A. Yes.

10:20:26 2

10:20:41 3

Q. Okay. Prior to the 2021 contract, second contract that was entered, did you ask Mr. Garcia to provide you with a curriculum vitae or résumé?

10:20:45 4

10:20:49 5

A. No, I didn't.

10:20:50 6

10:20:54 7

10:20:56 8

Q. Did you ask him to provide any photographs, letters of reference, any of that -- any information like that prior to the 20 -- after the 2020 contract and before the 2021 contract?

10:21:00 9

10:21:02 10

A. No, I did not.

10:21:04 11

10:21:06 12

10:21:09 13

10:21:12 14

Q. To your knowledge, was there any information included in the agreement that was entered that required him to provide that as a condition of the contract?

10:21:12 15

A. I'm not aware of any language like that.

10:21:14 16

10:21:17 17

10:21:21 18

Q. Did any of your superiors ever say to you, hey, before we enter into an agreement, we need more information?

10:21:22 19

A. No.

10:21:22 20

10:21:28 21

Q. Okay. Were you the person that was in charge of checking him out?

10:21:30 22

A. Yes.

10:21:30 23

10:21:35 24

10:21:40 25

Q. Okay. Can you just broadly without getting into detail describe the kind of services that CSAW -- CSAU provides?

10:21:41 1 A. CSAU provided training in high risk cell
10:21:49 2 extractions, high risk security searches, high risk
10:21:52 3 prisoner transports, and they got into hostage rescue.
10:22:00 4 Q. Okay. Sometime in or around I'm going to say
10:22:12 5 September of 2021, did you come into possession of this
10:22:18 6 129-page document?
10:22:18 7 A. Yes.
10:22:19 8 Q. How did you come into possession of this
10:22:22 9 document?
10:22:22 10 A. It was e-mailed to me.
11 (E-mail premarked for identification as
12 Petitioner's Exhibit D.)
10:22:25 13 BY ATTORNEY POKRIFKA:
10:22:25 14 Q. I'm going to show you what has been marked as
10:22:40 15 Petitioner's Exhibit D. Do you recognize that?
10:22:43 16 A. I do.
10:22:43 17 Q. What is it?
10:22:44 18 A. It's the e-mail that was sent to me by Mr.
10:22:48 19 Garcia.
10:22:49 20 Q. What was -- is there a -- can you read the
10:22:51 21 date at the top of that e-mail?
10:22:53 22 A. Yes. It is 9/19/2021.
10:22:57 23 Q. And at the left of the top of the document,
10:22:59 24 what does the front page of this e-mail state?
10:23:02 25 A. It says private and confidential.

10:23:03 1 Q. Okay. And what does this document have
10:23:07 2 attached to it?

10:23:08 3 A. It was two attachments. One of them was the
10:23:14 4 129-page document that you're talking about.

10:23:17 5 Q. Okay. Did you attempt to open these
10:23:21 6 documents?

10:23:21 7 A. I did.

10:23:22 8 Q. What happened?

10:23:24 9 ATTORNEY DAVY: Wait. I'm sorry. Did
10:23:24 10 you say you did or you didn't?

10:23:26 11 THE WITNESS: I did.

10:23:27 12 ATTORNEY DAVY: You did. Okay.

13 BY ATTORNEY POKRIFKA:

10:23:29 14 Q. What happened when you attempted to open the
10:23:31 15 documents?

10:23:32 16 A. One of the documents would not open, but the
10:23:36 17 129-page document did open.

10:23:38 18 Q. Okay. In this e-mail there is a statement
10:23:45 19 that -- to you. Did you read that statement when you
10:23:49 20 got this?

10:23:50 21 A. I did.

10:23:50 22 Q. Do you know -- well, let me ask you this.
10:23:54 23 You said one document you opened was the 129-page
10:23:59 24 document?

10:23:59 25 A. Correct.

10:24:00 1 Q. Okay. And did the other document open?

10:24:03 2 A. No, it did not.

10:24:04 3 Q. Okay. Did you go to the County IT department

10:24:11 4 and ask them to see why it wouldn't open?

10:24:12 5 A. No, I didn't.

10:24:13 6 Q. Did you ever mention to Mr. Garcia, hey, the

10:24:16 7 other document didn't open?

10:24:17 8 A. I did not.

10:24:18 9 Q. Okay. Why not?

10:24:19 10 A. I actually thought they were duplicate

10:24:24 11 attachments. When the one opened, I just assumed it

10:24:27 12 was the same as the other one and used that document.

10:24:29 13 Q. Did Mr. Garcia tell you he was going to be

10:24:32 14 sending you this information?

10:24:33 15 A. No.

10:24:33 16 Q. Okay. Why did you get it?

10:24:36 17 A. I got it because of some articles that were

10:24:42 18 run in the local newspaper that were calling into

10:24:45 19 question his past history with different agencies and

10:24:51 20 his credentials.

10:24:53 21 Q. So did you ask Mr. Garcia to provide this

10:25:01 22 information because of those articles?

10:25:03 23 A. I did not ask him, no.

10:25:04 24 Q. To your knowledge, did the prison board or

10:25:07 25 your warden ask you to ask him for any of this?

10:25:09 1 A. No.

10:25:10 2 Q. To your knowledge, did he voluntarily provide

10:25:14 3 this?

10:25:14 4 A. Yes.

10:25:14 5 Q. Okay. Did he explain to you after he sent it

10:25:17 6 why he wanted you to have this?

10:25:19 7 A. He did.

10:25:20 8 Q. What did he say?

10:25:21 9 A. He wanted to debunk the articles that were

10:25:25 10 written against him in the local newspaper.

10:25:28 11 Q. And he provided this information to you while

10:25:31 12 he was still doing work and services for the prison,

10:25:35 13 correct?

10:25:35 14 A. Yeah. He was still under the contract.

10:25:37 15 Q. Okay. He was still under the initial

10:25:40 16 contract?

10:25:40 17 A. The initial contract, yeah.

10:25:42 18 Q. And how many months did you receive this

10:25:44 19 prior to a second contract being entered into?

10:25:47 20 A. I guess like two months, something like that.

10:25:51 21 Q. So let's talk a little bit about the second

10:25:56 22 contract which was entered into November of 2021. Did

10:26:01 23 you do any additional background check prior to that

10:26:06 24 contract being entered into?

10:26:09 25 A. The only thing I did was re-ran the criminal

10:26:12 1 history report through the NCIC.

10:26:14 2 Q. Would you normally do that?

10:26:15 3 A. No, not normally.

10:26:17 4 Q. How long does an NCIC check usually last?

10:26:20 5 A. All the volunteers and service providers,

10:26:24 6 their clearances are good for two years.

10:26:25 7 Q. Why did you run Mr. Garcia's a second time?

10:26:27 8 A. Due to the article that was run in the local

10:26:32 9 newspaper that mentioned his issue that he had in the

10:26:36 10 UK.

10:26:37 11 Q. Okay. Did the NCIC check come back with any

10:26:41 12 issues that made you concerned?

10:26:43 13 A. No. It was completely clear.

10:26:44 14 Q. Okay. Was the initial one completely clear?

10:26:46 15 A. It was.

10:26:47 16 Q. Other than an official NCIC check, was there

10:26:51 17 any other thing that you did prior to vet him prior to

10:26:55 18 that second contract being entered into?

10:26:57 19 A. No.

10:26:58 20 Q. At the time you received this 128 pages of

10:27:03 21 substantive material, what did you do with it?

10:27:09 22 A. I'm sorry. Could you repeat that?

10:27:09 23 Q. What did you do with it? Did you use it in

10:27:11 24 any manner?

10:27:12 25 A. I reviewed the content of the 129-page

10:27:19 1 document and then basically just confirmed the validity
10:27:26 2 of some certificates that it contains, training
10:27:28 3 certificates.

10:27:29 4 Q. Did Mr. Garcia indicate to you his concern
10:27:33 5 about information that was out there in the press about
10:27:36 6 him?

10:27:36 7 A. Yes.

10:27:37 8 Q. What types of things was he concerned about?

10:27:39 9 A. He was concerned that they were going to be
10:27:43 10 viewed as not being truth -- him not being truthful and
10:27:47 11 that he was lying about his past.

10:27:48 12 Q. Okay. So did you then look into some of the
10:27:56 13 information that was in the press and compare with the
10:28:00 14 information that was in that document?

10:28:02 15 A. Yes, I did.

10:28:03 16 Q. Were you able to verify that some of the
10:28:08 17 information that was in the press was not true?

10:28:10 18 A. Yes.

10:28:10 19 Q. Because some of that information is already
10:28:14 20 out there, can you describe one or two specific things
10:28:19 21 that you were able to let's say debunk that Mr. Garcia
10:28:23 22 was concerned about that had been reported in the
10:28:26 23 press?

10:28:27 24 A. I believe one of them was the fact that he
10:28:30 25 was never hired by Virginia Beach sheriff or police

10:28:35 1 department. And I was able to confirm that he was, in
10:28:39 2 fact, hired by those individuals. There was another
10:28:43 3 one from another state DOC that initially they didn't
10:28:48 4 have him on record. But the person I talked to called
10:28:51 5 back and said that they were wrong, that they did find
10:28:54 6 his information in another location within their
10:28:57 7 system.

10:28:57 8 Q. Okay. Of any of the contacts that you
10:29:01 9 reviewed or reached out to, did anybody indicate that
10:29:06 10 his background information was untrue?

10:29:10 11 A. Just the one entity, but then they called
10:29:13 12 back and corrected themselves when they did find that
10:29:16 13 information in another part of their system.

10:29:19 14 Q. Okay. And when you received this e-mail with
10:29:23 15 those documents attached, can you indicate how it came
10:29:26 16 to you? Was it -- were you able to just click on it
10:29:30 17 and open it up? Were there any protections?

10:29:32 18 A. There was a password protection on it. I had
10:29:36 19 to enter a password for it to be able to open.

10:29:40 20 Q. Was there a time limit allowed for your
10:29:43 21 accessibility?

10:29:43 22 A. Yes. I think it was 24 hours that it was
10:29:46 23 available.

10:29:46 24 Q. Okay. So when you initially tried to open
10:29:48 25 the one document, you were unable to open it?

10:29:50 1 A. Correct.

10:29:51 2 Q. After 24 hours, were you able to try to

10:29:54 3 access it again?

10:29:55 4 A. No.

10:29:55 5 Q. Okay. So it timed out?

10:29:57 6 A. It had timed out, yeah. I couldn't even open

10:30:00 7 the one that I could open.

10:30:01 8 Q. Okay. At the time that you opened the one

10:30:04 9 that had 129 pages, was there anything else attached to

10:30:09 10 it; or when you opened it, was it the full 129 pages?

10:30:14 11 A. Just the 129 pages.

10:30:14 12 Q. Okay. Let's talk a little bit about the

10:30:25 13 129-page attachment. Did you look through the

10:30:29 14 129 pages?

10:30:30 15 A. I did.

10:30:31 16 Q. You had never seen that document previous to

10:30:34 17 entering into any contract with Mr. Garcia?

10:30:36 18 A. I did not.

10:30:37 19 Q. In looking at that document, were there

10:30:45 20 photographs?

10:30:45 21 A. Yes.

10:30:45 22 Q. What -- in looking at the photographs, what

10:30:49 23 did they show? In general, just in broad terms. Don't

10:30:51 24 be specific.

10:30:52 25 A. In general, they showed photographs with Mr.

10:30:55 1 Garcia with individuals inside other prisons with other
10:31:02 2 prison personnel across the country and across the
10:31:07 3 world.

10:31:07 4 Q. Were those photographs identified as
10:31:11 5 confidential in any way?

10:31:12 6 A. They were listed as classified.

10:31:14 7 Q. What did that mean to you?

10:31:15 8 A. Not to be shared.

10:31:16 9 Q. Okay. Did the photographs identify the
10:31:19 10 locations that he was at with these individuals?

10:31:23 11 A. Yes. There was signage in the background of
10:31:26 12 the different correctional facilities. There were
10:31:29 13 shoulder patches that identified the agencies that were
10:31:35 14 working with Mr. Garcia.

10:31:36 15 Q. Okay. Some of the documents in the packet
10:31:46 16 evidenced proof of other contracts. Do you recall
10:31:50 17 seeing other CSAU contracts in that pile of 129 pages?

10:31:58 18 A. I don't recall seeing other contracts.

10:32:00 19 Q. Okay. There were a number of documents that
10:32:07 20 were also certificates; is that correct?

10:32:09 21 A. Yes. Training certificates, yes.

10:32:11 22 Q. Okay. So were those -- there was a number of
10:32:14 23 those?

10:32:15 24 A. Yes.

10:32:15 25 Q. Okay. Did that give you some indication of

10:32:18 1 his level of experience?

10:32:20 2 A. Yes.

10:32:20 3 Q. Okay. Were they noted as being confidential
10:32:24 4 or classified?

10:32:25 5 A. I believe they were.

10:32:29 6 Q. So like on individual pages or a whole bunch
10:32:33 7 of them?

10:32:33 8 A. I think it was a cover page before we got to
10:32:36 9 the certificates that said private and confidential or
10:32:40 10 something like that if I recall.

10:32:41 11 Q. I imagine it has been a while since you saw
10:32:43 12 this document?

10:32:43 13 A. It's been a while.

10:32:44 14 Q. About how long?

10:32:44 15 A. Since I think prior to the first of the year.

10:32:51 16 Q. Okay. There were also a number of
10:32:57 17 professional references or letters. Did you review any
10:33:00 18 of those?

10:33:01 19 A. Yes.

10:33:01 20 Q. Did they also note that they were
10:33:03 21 confidential or classified?

10:33:04 22 A. Yes, they did.

10:33:05 23 Q. Were you able to verify by looking at that
10:33:11 24 information that Mr. Garcia did, in fact, serve other
10:33:14 25 government agencies?

10:33:14 1

A. Yes.

10:33:15 2

Q. Were you able to verify his background and credentials to your satisfaction in contrast to the information that was being published in the press?

10:33:22 3

10:33:27 4

10:33:29 5

A. Yes.

10:33:30 6

Q. Is that the reason why you were looking at those documents?

10:33:33 7

10:33:33 8

A. I just wanted to verify that the information that was presented in the newspaper was not correct.

10:33:37 9

10:33:40 10

Q. Okay. When did you realize that the second attachment as shown on Exhibit D was a completely different document?

10:33:46 11

10:33:50 12

10:33:51 13

A. I didn't realize it until the appeals process. And there was a conference call and Mr. Garcia hadn't spoke of the CV. And I reiterated that I didn't get one that I was aware of.

10:33:54 14

10:34:00 15

10:34:06 16

10:34:09 17

Q. Okay. Who was on that call?

10:34:10 18

A. I believe it was myself, the warden, I believe it was yourself, and Mr. Garcia.

10:34:14 19

10:34:15 20

Q. Okay. So -- and when was that conference call, do you recall?

10:34:19 21

10:34:20 22

A. February, towards the end of February.

10:34:24 23

Q. Okay. So the final determination for the Court's information came out January 31st of 2022.

10:34:26 24

10:34:31 25

Would you say, Commander Rohrbaugh, it was after that?

10:34:35 1 A. Yes.

10:34:35 2 Q. So is that the first time that you had heard

10:34:40 3 that, in fact, an actual CV would have been provided

10:34:44 4 with that package of documents?

10:34:46 5 A. Yes.

10:34:46 6 Q. Did you then talk to Mr. Garcia about

10:34:50 7 obtaining a copy of that or did he provide it? How did

10:34:53 8 you get it?

10:34:54 9 A. He provided a copy of that document.

10:34:57 10 Q. Okay. Approximately when do you think you

10:35:00 11 might have received a copy of the CV?

10:35:03 12 A. The end of February or the very beginning of

10:35:06 13 March.

10:35:07 14 Q. Okay. Does the CV -- well, let me -- when he

10:35:15 15 provided that information to you, were you able to

10:35:19 16 retain a copy of that?

10:35:21 17 A. Yes.

10:35:44 18 Q. Commander Rohrbaugh, I'm going to show you

10:35:44 19 what has been marked as Exhibit D. Was that

10:35:48 20 document?

10:35:52 21 ATTORNEY DAVY: I think you're -- it is

10:35:52 22 a different exhibit. I think you said D.

10:35:55 23 ATTORNEY POKRIFKA: I'm sorry. E.

10:35:56 24 ATTORNEY DAVY: I just wanted to make

10:35:57 25 sure.

1 (Document premarked for identification
10:35:58 2 as Petitioner's Exhibit E.)
10:35:58 3 BY ATTORNEY POKRIFKA:
10:35:59 4 Q. Exhibit E, is that the document that was part
10:36:03 5 of the of e-mail that was unable to be opened?
10:36:06 6 A. Yes, it is.
10:36:06 7 Q. Okay. Did Mr. Garcia show you that e-mail
10:36:11 8 and what was in that other attachment you were unable
10:36:14 9 to open?
10:36:15 10 A. He did, yes.
10:36:16 11 Q. And was this confidentiality requirement
10:36:19 12 listed as the first document or in that first document?
10:36:22 13 A. Yes.
14 (Document premarked for identification
15 as Petitioner's Exhibit F.)
10:36:23 16 BY ATTORNEY POKRIFKA:
10:36:23 17 Q. Okay. And then was the CV which I'm showing
10:36:29 18 to you as Exhibit F, is that what he also provided to
10:36:32 19 you?
10:36:33 20 A. Yes.
10:36:33 21 Q. Did he indicate this was part of that e-mail
10:36:36 22 that you were unable to open?
10:36:38 23 A. He did, yes.
10:36:39 24 Q. And you had not seen this prior to him
10:36:41 25 handing this to you or providing this to you?

10:36:42 1 A. I did not.

10:36:43 2 Q. Okay. And that would have been in you said

10:36:46 3 maybe late February, March of 2022?

10:36:48 4 A. Correct.

10:36:48 5 Q. That confidentiality requirement after you

10:36:54 6 looked at it and had an opportunity to review that

10:36:56 7 section, did it permit you to copy any of the documents

10:37:00 8 that he had sent?

10:37:01 9 A. It didn't.

10:37:02 10 Q. Okay. But, in fact, you did print out a copy

10:37:05 11 when you had access to the 129 pages?

10:37:07 12 A. I did.

10:37:07 13 Q. Okay. Was this document when Mr. Garcia

10:37:12 14 showed it to you on the computer, was it also password

10:37:15 15 protected?

10:37:15 16 A. Yes. Everything was password protected.

10:37:18 17 Q. And does it indicate that only certain

10:37:22 18 individuals -- the information, both the CV and that

10:37:26 19 other attachment, the 129 pages, only to be disclosed

10:37:29 20 to certain people?

10:37:30 21 A. Yes.

10:37:31 22 Q. Who did he indicate it could be disclosed to?

10:37:34 23 A. The warden, deputy wardens, and those that

10:37:38 24 need to know.

10:37:39 25 Q. Okay. And does it ask that the documents be

10:37:42 1 returned?

10:37:42 2 A. It does.

10:37:43 3 Q. Okay. You didn't have the benefit of this,

10:37:46 4 did you, when you opened the 129-page document?

10:37:48 5 A. I did not.

10:37:49 6 Q. If you had the benefit of this back in

10:37:55 7 September when he sent this to you, would you have

10:37:58 8 still had that 129 pages in November when the

10:38:01 9 right-to-know request was filed?

10:38:02 10 A. No.

10:38:02 11 Q. How did you retain that 129 pages?

10:38:18 12 A. It was locked in my office and locked inside

10:38:22 13 a filing cabinet within the office.

10:38:24 14 Q. Was anyone else at the prison able to get

10:38:26 15 into your office and into that locked cabinet to have

10:38:29 16 access to it?

10:38:30 17 A. No. I'm the only one with a key.

10:38:32 18 Q. Despite the fact that you didn't have this

10:38:37 19 confidentiality requirement which we marked as Exhibit

10:38:41 20 E, did you deem that document to be confidential?

10:38:46 21 A. Yes.

10:38:46 22 Q. Were you aware though that you weren't able

10:38:53 23 to retain it?

10:38:54 24 A. No, I wasn't initially.

10:39:12 25 ATTORNEY POKRIFKA: Okay. If I could

10:39:13 1 just have a minute, Your Honor.

10:39:15 2 THE COURT: Sure.

10:39:23 3 BY ATTORNEY POKRIFKA:

10:39:23 4 Q. At any time, did Mr. Garcia indicate to you
10:39:27 5 that these documents he deemed to be confidential, did
10:39:29 6 he actually make that statement to you?

10:39:31 7 A. He did, yes.

10:39:37 8 Q. So you previously described in some broad
10:39:40 9 terms what CSAU does, the services it provides at the
10:39:44 10 prison. Do any of those services directly relate to
10:39:49 11 the information that is in the 129-page document?

10:39:52 12 A. No.

10:39:52 13 Q. Okay. If you had read that confidentiality
10:40:06 14 requirement, would you have retained a copy of it after
10:40:10 15 your review?

10:40:10 16 A. No, I wouldn't have.

10:40:11 17 Q. Are there any other copies of that 129-page
10:40:21 18 document?

10:40:21 19 A. No.

10:40:22 20 Q. When you received the CV, although it was in
10:40:36 21 February or March, did you take a look at the CV?

10:40:39 22 A. I did.

10:40:39 23 Q. You have it there in front of you. In
10:40:43 24 looking at that CV, does that look to you like a
10:40:46 25 listing of his work experience and education?

10:40:50 1 A. Yes, it does.

10:40:52 2 ATTORNEY DAVY: Are you talking about

10:40:53 3 Exhibit F?

10:40:54 4 ATTORNEY POKRIFKA: Yes.

10:40:56 5 ATTORNEY KNUDSEN BURKE: F as in Frank

10:40:58 6 we are onto?

10:41:00 7 ATTORNEY POKRIFKA: Yes.

10:41:00 8 ATTORNEY KNUDSEN BURKE: Yes. Okay.

10:41:02 9 BY ATTORNEY POKRIFKA:

10:41:02 10 Q. Does that appear to be his CV or résumé?

10:41:04 11 A. Résumé, yes.

10:41:07 12 Q. Did Mr. Garcia permit you and the County to

10:41:12 13 redact that and provide that?

10:41:14 14 A. Yes.

10:41:15 15 Q. Okay. During the time that you had received

10:41:31 16 that 129-page document in September of 2021, to your

10:41:37 17 knowledge were there any concerns or any of your

10:41:42 18 superiors indicated to you that there were concerns

10:41:44 19 about CSAU and the services provided?

10:41:47 20 A. There was nothing conveyed to me.

10:41:49 21 Q. Okay. So your review of that document was

10:41:52 22 unrelated to anything that's going on with CSAU in the

10:41:55 23 prison at that time?

10:41:56 24 A. Yes.

10:42:00 25 ATTORNEY POKRIFKA: I don't have

10:42:00 1 anything further, Your Honor.

10:42:01 2 THE COURT: All right.

10:42:01 3 Cross-examination.

10:42:03 4 ATTORNEY DAVY: Yes, I have several
10:42:05 5 questions here. My name is Jim Davy, J-i-m. My last
6 name is D-a-v-y.

7 * * *

8 CROSS-EXAMINATION

9 BY ATTORNEY DAVY:

10:42:19 10 Q. Mr. Rohrbaugh --

10:42:21 11 A. Yes.

10:42:21 12 Q. -- so I'm going to go through sort of the
10:42:24 13 order that my colleague went through. You talked about
10:42:28 14 vetting Mr. Garcia sort of earlier in your testimony.
10:42:33 15 And you said that you checked his references?

10:42:37 16 A. Yes.

10:42:37 17 Q. Right. You also said that you ran an NCIC
10:42:42 18 background check, right?

10:42:43 19 A. Yes.

10:42:43 20 Q. You testified that you were shown phone
10:42:49 21 numbers for potential references.

10:42:52 22 A. Yes.

10:42:52 23 Q. But you also testified it seemed to me that
10:42:54 24 you didn't retain or keep them. He showed them to you
10:42:58 25 in the office and then left with them; is that correct?

10:42:59 1 A. I just wrote down the phone numbers on a
10:43:02 2 separate piece of paper to make contact with those
10:43:05 3 individuals.

10:43:06 4 Q. But so you did maintain -- like you
10:43:10 5 essentially copied those phone numbers down and kept
10:43:11 6 them?

10:43:11 7 A. Just the phone numbers.

10:43:13 8 Q. And you called several of them. Can you tell
10:43:18 9 me, again with some specifics, who you called and from
10:43:23 10 what jurisdictions they were from?

10:43:24 11 A. I believe it was Charleston, South Carolina,
10:43:29 12 the corrections center down there.

10:43:31 13 Q. And --

10:43:32 14 A. There was -- go ahead.

10:43:35 15 Q. I didn't mean to cut you off.

10:43:36 16 ATTORNEY POKRIFKA: Your Honor, I'm
10:43:37 17 going to object. I just would like some clarification.
10:43:38 18 We are talking -- are you specifically asking about the
10:43:41 19 phone calls he made prior to the initial contract?

10:43:45 20 ATTORNEY DAVY: Yes.

10:43:45 21 ATTORNEY POKRIFKA: Okay. All right. I
10:43:47 22 just wanted to make sure we were talking about the
10:43:49 23 right timeline here.

10:43:50 24 BY ATTORNEY DAVY:

10:43:51 25 Q. Sorry. Let me -- I'll set this up a little

10:43:53 1 bit better. So you testified, again, prior to the
10:43:55 2 initial contract. So this would have been sometime in
10:44:00 3 2020; is that correct?

10:44:01 4 A. Correct.

10:44:01 5 Q. You made these reference calls based on phone
10:44:05 6 numbers that he provided to you?

10:44:07 7 A. Yes.

10:44:07 8 Q. That he showed to you and then took away but
10:44:12 9 that you had copied down yourself?

10:44:14 10 A. I wrote down the phone numbers, yes.

10:44:15 11 Q. And you testified that at least one of those
10:44:18 12 calls was to Charleston, South Carolina; is that
10:44:20 13 correct?

10:44:20 14 A. Yes.

10:44:21 15 Q. Do you remember what the folks in South
10:44:25 16 Carolina said when you talked with them about getting a
10:44:28 17 reference for him?

10:44:29 18 ATTORNEY POKRIFKA: I'm going to object,
10:44:30 19 Your Honor, as to relevance. He already testified and
10:44:34 20 I think asked and answered that none of the information
10:44:36 21 that he obtained, that he was satisfied with the
10:44:41 22 information and I don't believe that is really of
10:44:44 23 record here or at issue today.

10:44:48 24 ATTORNEY DAVY: Your Honor, I have an
10:44:48 25 exhibit. I'll make an offer of proof that perhaps he

10:44:50 1 shouldn't have been satisfied about that.

10:44:53 2 ATTORNEY POKRIFKA: Again, Your Honor,
10:44:53 3 the request was for a CV. We are talking about a
10:44:57 4 129-page document. I don't know how that is relevant
10:44:59 5 to them obtaining that under the Right-to-Know Law.

10:45:03 6 ATTORNEY DAVY: He testified about
10:45:05 7 having vetted him, having been satisfied by that. I
10:45:08 8 think this is directly relevant to that testimony that
10:45:10 9 he's already offered. And I think, again, I would
10:45:15 10 offer that if you let me get a little bit down this
10:45:17 11 road and then decide no, that's fine. But I think it
10:45:20 12 is very relevant to what he's already testified to.

10:45:23 13 ATTORNEY POKRIFKA: I think --

10:45:24 14 THE COURT: Hold on just a second. If I
10:45:26 15 understood correctly, the purpose of the questions on
10:45:29 16 direct was to show that he did not rely upon the CV
10:45:35 17 that is at issue here in making the decision or having
10:45:40 18 input into the decision to enter into the contract.
10:45:43 19 Would you agree that is fair?

10:45:46 20 ATTORNEY DAVY: I think that is sort of
10:45:47 21 right. I think, you know, he testified that when he
10:45:49 22 did receive the CV at issue here, it was partly to
10:45:52 23 clear up some prior concerns. Right? And I think
10:45:57 24 where we are about to go is going to get at some of
10:45:59 25 those concerns. Again, he did testify about it on

10:46:02 1 direct.

10:46:04 2 ATTORNEY POKRIFKA: Your Honor, my
10:46:04 3 response would be that you're exactly right, his
10:46:07 4 testimony was geared toward the fact that he didn't
10:46:09 5 need the CV nor did he need the 129 pages to complete
10:46:13 6 his vetting process which is the same as they would
10:46:16 7 have done with other individuals. The NCIC check and
10:46:21 8 then he gave him a few names and numbers.

10:46:23 9 THE COURT: My concern with the line of
10:46:25 10 questioning is that we are here to determine, again,
10:46:28 11 whether certain documents are subject to right-to-know
10:46:31 12 request, not to examine this witness as to whether the
10:46:36 13 County's vetting process for a contractor was proper or
10:46:40 14 improper.

10:46:41 15 ATTORNEY DAVY: I agree, Your Honor. I
10:46:42 16 think again to the extent that part of their argument,
10:46:45 17 at least as I understand it, is that the -- he
10:46:49 18 testified that he didn't need the CV ultimately. It
10:46:54 19 was superfluous because he already engaged in this
10:46:55 20 other vetting process. I think that if it is the case
10:46:58 21 that that vetting process would have turned up things
10:47:00 22 that were concerning, maybe he did need the CV. And so
10:47:03 23 I think -- I think it is relevant for that purpose.

10:47:06 24 THE COURT: But isn't the question a
10:47:07 25 subjective question as to whether he felt he needed the

10:47:10 1 CV at that time --

10:47:11 2 ATTORNEY DAVY: Yes.

10:47:12 3 THE COURT: -- versus --

10:47:13 4 ATTORNEY DAVY: Yes.

10:47:14 5 THE COURT: -- Monday morning

10:47:15 6 quarterback if he had known what you believe you know,

10:47:19 7 should he have relied on the CV? That doesn't seem

10:47:22 8 relevant to the question that is before me of whether

10:47:25 9 the CV and the 129 pages are a public document subject

10:47:31 10 to right to know.

10:47:33 11 ATTORNEY DAVID: I think that is fair.

10:47:33 12 I guess I would clarify in saying that I'm not actually

10:47:35 13 asking the subjective question. I'm just trying to get

10:47:38 14 the objective information out there about whether he

10:47:40 15 knew it at all.

10:47:40 16 You know, he testified he made these

10:47:43 17 phone calls. I just want to ask a little bit more

10:47:46 18 about those phone calls. And, again, I am happy to

10:47:50 19 share this exhibit. You know, I'm happy to bring it to

10:47:53 20 the bench for you to take a look at before if you're

10:47:56 21 interested.

10:47:57 22 THE COURT: So I'm not going to say that

10:48:11 23 what you're getting at can't be relevant. What I am

10:48:15 24 going to rule is that the open-ended question that you

10:48:19 25 asked him as to simply what they told him is not

10:48:24 1 relevant for where we are going. So I'm going to
10:48:28 2 sustain the objection to that question. And you can go
10:48:32 3 from there.

10:48:33 4 ATTORNEY DAVY: Certainly. I'll get it
10:48:36 5 out in a slightly different way.

10:48:34 6 BY ATTORNEY DAVY:

10:48:38 7 Q. So, again, you testified that you called
10:48:43 8 folks from Columbia, South Carolina?

10:48:45 9 A. Charleston.

10:48:48 10 Q. Charleston, South Carolina. My apologies.

10:48:49 11 A. Correct.

10:48:50 12 Q. Did they tell you when you talked to them
10:48:52 13 that there had been a prior report and finding about
10:48:58 14 Mr. Garcia?

10:48:59 15 ATTORNEY POKRIFKA: Your Honor, I'm
10:49:00 16 going to object again not only as to relevance but to
10:49:03 17 hearsay.

10:49:04 18 THE COURT: Your response.

10:49:05 19 ATTORNEY DAVY: Again, he testified that
10:49:07 20 he talked to them. You know, we didn't -- again, it
10:49:11 21 gets at what he -- we're just trying to understand what
10:49:13 22 he knew at the time.

10:49:15 23 THE COURT: I'm going to overrule the
10:49:17 24 objection to that question, and we will have to take
10:49:19 25 this one at a time. But go ahead with that question.

10:49:23 1 Do you remember the question?

10:49:24 2 THE WITNESS: No.

10:49:26 3 THE COURT: Can you restate the

10:49:28 4 question?

10:49:28 5 BY ATTORNEY DAVY:

10:49:28 6 Q. Let me ask it this way. You testified that

10:49:31 7 you were satisfied with the information that you

10:49:33 8 received about Mr. Garcia from Charleston; is that

10:49:36 9 correct?

10:49:36 10 A. That's correct.

10:49:37 11 Q. Did that information include the fact that

10:49:42 12 there was a prior report and a finding by the

10:49:49 13 Spartanburg County Sheriff's Office that Mr. Garcia did

10:49:50 14 not meet the criteria to have been eligible to receive

10:49:54 15 a particular type of training?

10:49:57 16 A. No.

10:50:01 17 ATTORNEY DAVY: I would like to approach

10:50:02 18 the witness with what I would like to mark as Exhibit 2

10:50:07 19 for our side.

20 THE COURT: Go ahead.

21 (Document premarked for identification

10:50:30 22 as Respondent's Exhibit No. 2.)

10:50:30 23 BY ATTORNEY DAVY

10:50:31 24 Q. If you would, flip to the last page of that.

10:50:42 25 ATTORNEY POKRIFKA: I'm sorry. Which

10:50:43 1 page did you refer him to?

10:50:44 2 THE COURT: I believe he said the last
10:50:46 3 page of Respondent's 2.

10:50:48 4 ATTORNEY DAVY: Yes.

10:50:56 5 ATTORNEY POKRIFKA: Your Honor, I'm
10:50:57 6 going to object. It appears the last page is hearsay
10:51:00 7 on hearsay. It is not directed to Mr. Garcia. It is
10:51:03 8 not directed to York County. These individuals, we
10:51:06 9 have no idea who they are.

10:51:09 10 ATTORNEY DAVY: Just to be clear, Your
10:51:10 11 Honor, this is a government record. So I don't think
10:51:10 12 it is hearsay. With respect to -- again, I'm just -- I
10:51:18 13 would like to ask a couple of questions about, again,
10:51:21 14 the nature of this communication with Charleston.

10:51:26 15 THE COURT: I think he's allowed to ask
10:51:27 16 the witness a question based on this document. When we
10:51:29 17 get to the admissibility of the document, we can have
10:51:32 18 that discussion then.

10:51:33 19 ATTORNEY POKRIFKA: Thank you, Your
10:51:34 20 Honor.

10:51:34 21 ATTORNEY DAVY: Go ahead with your
10:51:37 22 question.

10:51:37 23 BY ATTORNEY DAVY:

10:51:38 24 Q. Do you recognize this document at all?

10:51:39 25 A. The last page just says place of birth,

10:51:49 1 Honolulu, Hawaii.

10:51:49 2 ATTORNEY KNUDSEN BURKE: You have the

10:51:50 3 last page, Jim. It fell out of the document. My

10:51:53 4 stapler wasn't working this morning.

10:51:56 5 ATTORNEY POKRIFKA: I've had those days.

10:51:59 6 THE WITNESS: No. I never saw that

10:52:00 7 before.

10:52:01 8 BY ATTORNEY DAVY:

10:52:01 9 Q. Do you remember the names of the people from

10:52:03 10 the -- again, from your communications with South

10:52:08 11 Carolina folks, do you recognize any of the names

10:52:11 12 anywhere on the document from the sheriff's office

10:52:13 13 there?

10:52:13 14 A. The only name I recognize is Chuck Wright,

10:52:19 15 but I never spoke to a Chuck Wright.

10:52:22 16 Q. How do you recognize that name?

10:52:23 17 A. I think it was on the photo I saw.

10:52:29 18 Q. Okay. But -- so you're aware that he is the

10:52:33 19 sheriff of that jurisdiction?

10:52:34 20 A. At that time I guess, yes.

10:52:37 21 Q. Yeah. And so he would have -- when you say

10:52:40 22 recognized from the photo, you're talking about the

10:52:42 23 photos that Mr. Garcia provided to you?

10:52:44 24 A. It would have been on a photo, yeah.

10:52:46 25 Q. Yeah. And so it is fair to say that this --

10:52:51 1 this sheriff is specifically one of the people who you
10:52:55 2 were -- or he represents the jurisdiction that you were
10:52:59 3 relying on as part of this vetting process?

10:53:02 4 A. Yeah.

10:53:03 5 Q. Okay. And so again, you said you called him.
10:53:11 6 Is it your testimony that they didn't tell you anything
10:53:13 7 about any of the subject matter that is covered in that
10:53:20 8 exhibit in front of you?

10:53:21 9 A. No. That was never brought to my attention.

10:53:25 10 Q. And so your -- you were just asked cursory
10:53:31 11 questions as part of this and it never came up there
10:53:37 12 had been this finding about Mr. Garcia?

10:53:38 13 ATTORNEY POKRIFKA: Objection, Your
10:53:39 14 Honor. Asked and answered.

10:53:43 15 THE COURT: It may be slightly
10:53:47 16 duplicative. I'll allow the question just for
10:53:50 17 confirmation sake.

10:53:52 18 BY ATTORNEY DAVY:

10:53:52 19 Q. So it was never shared with you. Again, you
10:53:54 20 called them as part of this reference call and they
10:53:57 21 never shared with you that there had been a finding
10:53:59 22 about Mr. Garcia that he had not been eligible or
10:54:02 23 qualified to receive this particular type of training?

10:54:04 24 A. No.

10:54:05 25 ATTORNEY DAVY: Okay. I'll take that

10:54:08 1 back.

10:54:11 2 ATTORNEY KNUDSEN BURKE: Your Honor, we
10:54:12 3 will deal with moving introduction of exhibits at the
10:54:16 4 close of this witness I think if that makes sense.

10:54:19 5 THE COURT: Okay.

10:54:22 6 BY ATTORNEY DAVY:

10:54:24 7 Q. Again, you said that you checked references.
10:54:26 8 You said that you made some reference calls. Did you
10:54:30 9 Google him at all?

10:54:31 10 A. Did I Google him?

10:54:33 11 Q. Yeah.

10:54:33 12 A. No.

10:54:34 13 Q. Did you run any -- look for him on the
10:54:38 14 internet at all?

10:54:39 15 A. No.

10:54:40 16 Q. Did you go to the website of his company?

10:54:44 17 A. Nope.

10:54:45 18 Q. Did you find the Facebook page of his company
10:54:50 19 or anything like that?

10:54:50 20 A. I did not.

10:54:51 21 Q. Okay.

10:54:54 22 ATTORNEY POKRIFKA: Your Honor, I'm
10:54:55 23 going to object to the line of questioning. Again, we
10:54:57 24 are not here to talk about Mr. Garcia's level of
10:55:00 25 experience. That's not what is on trial today.

10:55:05 1 ATTORNEY DAVY: I'm actually done with
10:55:06 2 that line of questioning. So that's fine.

10:55:09 3 ATTORNEY POKRIFKA: I withdraw the
10:55:09 4 objection.

10:55:10 5 THE COURT: Thank you.

10:55:12 6 BY ATTORNEY DAVY:

10:55:12 7 Q. You talked about the document in question
10:55:17 8 here. That you came into the possession of it sometime
10:55:21 9 in 2021. Can you be a little bit more specific about
10:55:24 10 that? It is what is Exhibit D that your counsel
10:55:30 11 introduced.

10:55:32 12 A. The date on there was 9/19/2021.

10:55:37 13 Q. Is that -- it is fair to say that's when you
10:55:38 14 received that e-mail?

10:55:39 15 A. Yes.

10:55:40 16 Q. And you also testified -- first of all, I
10:55:45 17 have a few questions about this. You testified first
10:55:47 18 that these files were password protected?

10:55:49 19 A. Yes.

10:55:50 20 Q. I don't see a password having been shared in
10:55:52 21 the e-mail. How did you get that password?

10:55:54 22 A. I don't recall if it was by text or if it was
10:55:59 23 by another e-mail, separate e-mail --

10:56:02 24 Q. Okay.

10:56:03 25 A. -- possibly.

10:56:04 1 Q. When would you have received that e-mail?

10:56:07 2 A. It would have been after this e-mail came in.

10:56:10 3 Q. Okay. You also testified that you only

10:56:14 4 opened -- that you only were able to look at one of the

10:56:17 5 documents; is that right?

10:56:18 6 A. I could only open the one document.

10:56:19 7 Q. And you testified that that was because --

10:56:23 8 you didn't -- it didn't matter to you because you

10:56:25 9 assumed it was a duplicative document; is that right?

10:56:27 10 A. Correct.

10:56:28 11 Q. I'm looking at Exhibit D right now. These

10:56:31 12 two documents, it is fair to say they have two

10:56:34 13 different file names?

10:56:36 14 A. Correct.

10:56:36 15 Q. One of them says 2021 CSAU Agency References,

10:56:41 16 and the other says Classified STL 2021 Doc version; is

10:56:46 17 that right?

10:56:46 18 A. Yes.

10:56:47 19 Q. They are both PDFs?

10:56:48 20 A. Both PDFs.

10:56:51 21 Q. And they have different file sizes?

10:56:51 22 A. Yes.

10:56:52 23 Q. One is 290.2 kilobytes and one has 219.3

10:56:57 24 megabytes?

10:56:57 25 A. Yes.

10:56:58 1 Q. And you -- and it is your testimony that you
10:57:00 2 assumed that those were the same documents?
10:57:01 3 A. That was my assumption.
10:57:02 4 Q. And you testified that you never followed up
10:57:08 5 about that?
10:57:08 6 A. Correct.
10:57:09 7 Q. Okay. You also testified that you got this
10:57:16 8 because Mr. Garcia was concerned about articles that
10:57:20 9 had been published; is that right?
10:57:21 10 A. That's correct.
10:57:22 11 Q. But you -- it was not clear to you whether
10:57:24 12 you were concerned about those articles? Were you
10:57:26 13 concerned about those articles?
10:57:27 14 A. I was not concerned.
10:57:29 15 Q. But you did run another NCIC background
10:57:33 16 check?
10:57:33 17 A. Correct.
10:57:33 18 Q. Why did you do that?
10:57:36 19 A. Because of the specific article that claimed
10:57:40 20 that there was a criminal history out of the UK. I
10:57:44 21 wanted to re-run it to make sure there was nothing
10:57:47 22 showing in the United States.
10:57:47 23 Q. Just to be clear, something from the UK would
10:57:52 24 not turn up in the NCIC background check, correct?
10:57:53 25 A. Not in the NCIC background check, no. I was

10:57:58 1 concerned to make sure that there wasn't anything in
10:58:00 2 the United States that would show.

10:58:02 3 Q. But so -- just so I'm clear, your testimony
10:58:04 4 is that you re-ran the background check because you
10:58:09 5 were concerned about articles about a criminal history
10:58:12 6 in the UK?

10:58:13 7 A. I guess that specific article about the
10:58:15 8 criminal history in the UK, yes.

10:58:17 9 Q. Right. And you re-ran a background check
10:58:19 10 that would not have included any information from the
10:58:21 11 UK?

10:58:22 12 A. Correct.

10:58:23 13 Q. Okay. So actually I did have one other
10:58:34 14 question about Exhibit D. You mentioned that you could
10:58:37 15 only open one of the files on Exhibit D.

10:58:39 16 A. Correct.

10:58:40 17 Q. Can you tell me which of those two you were
10:58:42 18 able to and which you were not able to open?

10:58:44 19 A. It was the 120-some page document.

10:58:48 20 Q. No. I know. But I can't tell from the
10:58:49 21 exhibit which is which. Which of those two documents
10:58:53 22 in the exhibit were you able to open?

10:58:55 23 A. I don't recall which one it was.

10:58:59 24 Q. Okay.

10:58:59 25 A. It was -- I opened and printed the only one

10:59:03 1 that would open.

10:59:04 2 Q. Okay. So again, you said that you were
10:59:11 3 reviewing the content of this to confirm the validity
10:59:17 4 of some of Mr. Garcia's prior work. Is that a fair
10:59:20 5 characterization of your testimony?

10:59:21 6 A. Right.

10:59:21 7 Q. And that you used it to I think debunk the
10:59:24 8 press articles?

10:59:25 9 A. Correct.

10:59:26 10 Q. Did you at any point -- if you believed those
10:59:31 11 articles were incorrect, did you at any point ask for a
10:59:33 12 correction from the media?

10:59:36 13 A. No.

10:59:36 14 Q. Why not?

10:59:41 15 A. I can't reach out to press as a matter of
10:59:44 16 policy.

10:59:44 17 Q. But you didn't -- I mean are there people
10:59:47 18 from York County who do talk to the press? I'm
10:59:51 19 assuming yes, right?

10:59:51 20 ATTORNEY POKRIFKA: I object, Your
10:59:53 21 Honor, as to relevance.

10:59:55 22 THE COURT: Overruled.

10:59:58 23 ATTORNEY DAVY: The relevance is only if
11:00:00 24 they believed if there was these, you know, articles
11:00:03 25 were false, typically they would ask for a correction.

11:00:04 1 I'm just trying to establish that they did not ask for
11:00:06 2 a correction after whatever process they went through.

11:00:10 3 THE COURT: Okay. I'll sustain the
11:00:13 4 objection. This witness has said he didn't reach out
11:00:15 5 to request a correction.

11:00:18 6 ATTORNEY DAVY: That's fair, Your Honor.

11:00:19 7 THE COURT: He stated the reason for
11:00:20 8 that.

11:00:21 9 ATTORNEY DAVY: That's fair.

11:00:22 10 BY ATTORNEY DAVY:

11:00:24 11 Q. The document, the document in question that
11:00:26 12 is at issue here, you said that you had not seen it
11:00:30 13 before signing the contract; is that right, the initial
11:00:34 14 contract?

11:00:34 15 A. The initial contract of -- no.

11:00:37 16 Q. But you did see it prior to renewing the
11:00:39 17 contract or signing a second contract?

11:00:42 18 A. Yes, correct.

11:00:43 19 Q. You also said that it had photos and showed
11:00:48 20 photos from inside other facilities; is that right?

11:00:50 21 A. That's correct.

11:00:51 22 Q. Is it your testimony that the reason that
11:00:56 23 they were classified -- actually, no. Let me ask it
11:00:59 24 this way. I'm sorry. Let me -- strike that.

11:01:02 25 If those photos had appeared in public

11:01:10 1 anywhere, is it fair to say that the security interest
11:01:16 2 in having them classified before you would not -- would
11:01:20 3 not be quite valid?

11:01:25 4 ATTORNEY POKRIFKA: I'm going to object,
11:01:26 5 Your Honor. I'm not sure that -- Commander Rohrbaugh
11:01:30 6 is here as a fact witness. He's not here as an expert
11:01:33 7 witness to determine what is classified, what isn't
11:01:36 8 classified, what can be released to the public. He's
11:01:38 9 simply a fact witness as to what occurred with this
11:01:40 10 document.

11:01:43 11 ATTORNEY DAVY: I'll rephrase, Your
11:01:43 12 Honor.

11:01:43 13 THE COURT: Okay. Thank you.

11:01:45 14 BY ATTORNEY DAVY:

11:01:45 15 Q. What is your understanding why they were
11:01:48 16 marked as classified or confidential?

11:01:49 17 A. They were marked confidential by Mr. Garcia,
11:01:55 18 but also the fact that they were taken on prison
11:01:59 19 property or within the prison itself.

11:02:02 20 Q. But so is it your understanding they were
11:02:04 21 marked as classified or confidential because they were
11:02:08 22 not for public consumption?

11:02:12 23 A. Yeah. I don't believe they were to be
11:02:14 24 released to the public, correct.

11:02:15 25 Q. If they had already been released to the

11:02:18 1 public, does that make any sense to you as
11:02:23 2 justification?

11:02:27 3 ATTORNEY POKRIFKA: Your Honor, I'm
11:02:28 4 going to object. I mean, again, he's a fact witness.
11:02:30 5 He's not here to determine Mr. Garcia's -- maybe it is
11:02:34 6 a question for Mr. Garcia.

11:02:37 7 ATTORNEY DAVY: I'm sure it will also be
11:02:39 8 a question for Mr. Garcia. I'm just -- to the extent
11:02:40 9 he testified that they were classified, they were
11:02:43 10 confidential, that he felt that he couldn't do anything
11:02:45 11 with them, he kept them locked in his office. If they
11:02:49 12 are already public, I think that is relevant to his
11:02:51 13 testimony about whether they can be released and
11:02:55 14 confidentiality.

11:02:56 15 ATTORNEY POKRIFKA: They are asking for
11:02:57 16 assumptions, Your Honor. And Mr. -- Commander
11:02:59 17 Rohrbaugh testified he observed what was on the pages.
11:03:02 18 That's what he testified to, what he observed.

11:03:05 19 THE COURT: So I do have -- while this
11:03:07 20 isn't an expert witness, I do have to take into
11:03:11 21 consideration the title that he has and the nature of
11:03:12 22 the work that he does for York County Prison in making
11:03:16 23 a determination as to whether he can fairly answer that
11:03:18 24 question.

11:03:19 25 And I believe that given the nature of

11:03:22 1 the work that he does, he can fairly answer the
11:03:25 2 question which was phrased in the, does that make sense
11:03:28 3 to you? And within that restriction as to not asking
11:03:35 4 for an opinion in a general nature or as what should be
11:03:44 5 policy for other prisons or anything like that, I'll
11:03:48 6 allow the question because of the limited nature of its
11:03:51 7 phrasing.

11:03:52 8 ATTORNEY DAVY: Thank you, Your Honor.

11:03:53 9 THE WITNESS: Can you repeat the
11:03:55 10 question, please.

11:03:56 11 ATTORNEY DAVY: It just might be easier
11:03:57 12 to have it read back if that's okay?

11:04:19 13 (Question read back.)

11:04:22 14 THE WITNESS: I don't know that they
11:04:23 15 were released to the public.

16 BY ATTORNEY DAVY:

11:04:25 17 Q. That's -- I didn't phrase it as a
11:04:27 18 hypothetical.

11:04:27 19 A. At this point --

11:04:29 20 Q. If, in fact, they had already been released,
11:04:31 21 would it make sense for them to be marked as
11:04:33 22 confidential?

11:04:41 23 A. I guess I'd have to say it wouldn't
11:04:43 24 necessarily make sense if they were already released.

11:04:46 25 Q. Thank you. I want to ask you a couple other

11:04:50 1 questions -- actually, wait. I'm going to ask one more
11:04:52 2 follow-up.

11:04:54 3 You talked about again there was a
11:04:58 4 period where some articles had come out, right, that
11:05:01 5 prompted you to, again, re-run the NCIC background
11:05:04 6 check that prompted Mr. Garcia to send you these files
11:05:07 7 in the first place, correct?

11:05:08 8 A. Correct.

11:05:09 9 Q. At that point, did you do any Googling or
11:05:13 10 anything or any internet searches?

11:05:16 11 A. No.

11:05:16 12 Q. Okay. Did you look at Facebook or did you
11:05:21 13 look at Mr. Garcia's company website or public Facebook
11:05:25 14 pages on social media?

11:05:28 15 A. No. We were already a year into a contract
11:05:30 16 with them and graduated six cadets.

11:05:35 17 Q. You did re-run a different background check
11:05:38 18 because you had some concerns?

11:05:39 19 A. Correct.

11:05:40 20 Q. But you didn't do any of those other things?

11:05:42 21 A. No.

11:05:42 22 Q. I also want to talk about -- I want to ask
11:05:46 23 some questions about the process in which you came to
11:05:49 24 realize that you had these files in the first place.

11:05:53 25 You testified I believe that you

11:05:58 1 realized that you had these documents in you said
11:06:01 2 sometime in February or March of 2022; is that correct?

11:06:04 3 A. Correct.

11:06:05 4 Q. Do you remember with any more specificity
11:06:08 5 when that was?

11:06:09 6 A. No.

11:06:09 7 Q. Okay. How did you come to learn that you had
11:06:17 8 them specifically?

11:06:19 9 A. During a teleconference, there was this
11:06:22 10 statement by Mr. Garcia that there was two different
11:06:26 11 attachments in that original e-mail.

11:06:29 12 Q. But so had you previously searched your own
11:06:33 13 e-mail to turn this up?

11:06:36 14 A. I previously -- after he made the statement
11:06:41 15 that there was two, I went back to the original e-mail
11:06:45 16 and looked and saw that they were two separate
11:06:49 17 attachments.

11:06:49 18 Q. Let me ask it this way. So the initial
11:06:52 19 request was November 12th of 2021; is that right?

11:06:56 20 A. I believe so, yes.

11:06:58 21 ATTORNEY POKRIFKA: I'm sorry. The
11:07:00 22 initial request for what?

11:07:02 23 ATTORNEY DAVY: The records request that
11:07:03 24 is at issue. This is on Exhibit A.

11:07:05 25 ATTORNEY POKRIFKA: Right-to-know

11:07:06 1 request.

11:07:07 2 ATTORNEY DAVY: Yeah, yeah. Sorry.

3 BY ATTORNEY DAVY:

11:07:08 4 Q. The initial right-to-know request as
11:07:11 5 documented in Exhibit A that your counsel introduced
11:07:14 6 says that the request date was November 12th, 2021, is
11:07:18 7 that correct?

11:07:19 8 A. Correct.

11:07:19 9 Q. Okay. After November 12th when you were
11:07:23 10 looking for records, did you search your own e-mail?

11:07:28 11 A. At that point, no. It was not until after
11:07:32 12 the phone -- the conference call in February.

11:07:35 13 Q. When did -- let me ask this. When had you
11:07:38 14 learned this request had even been made in the first
11:07:41 15 place?

11:07:41 16 A. I don't know because those requests don't
11:07:43 17 come to me. So I don't know when the initial contact
11:07:46 18 was made.

11:07:47 19 Q. But when did you learn that -- when did you
11:07:50 20 learn the request had been made?

11:07:52 21 A. I don't even know the specific date of when I
11:07:54 22 knew about it.

11:07:55 23 Q. Can you ballpark it? Was it before or after
11:07:58 24 January 1st of 2022?

11:07:59 25 A. I think it was right before January 1st.

11:08:13 1 Q. And so when you did learn of it, whenever
11:08:19 2 that was, did you search your own e-mail to turn this
11:08:23 3 up?

11:08:23 4 A. At that point, no, I didn't search my own
11:08:26 5 e-mail until after teleconference which was in the end
11:08:32 6 of February.

11:08:33 7 Q. When you learned of the request, what steps
11:08:35 8 did you take to look for any records that might have
11:08:38 9 been responsive?

11:08:39 10 A. The only thing I did at that point was give
11:08:43 11 Mrs. Pokrifka a copy of the 129 pages. I didn't know
11:08:47 12 the other one existed.

11:08:49 13 Q. Sorry. I'm just -- I'm having a little bit
11:08:51 14 of trouble understanding this. You gave her a physical
11:08:54 15 paper copy of the 129 pages?

11:08:56 16 A. Yes.

11:08:56 17 Q. And you didn't -- you didn't undertake any
11:08:59 18 electronic searches of --

11:09:00 19 A. No.

11:09:01 20 Q. And so you testified -- I believe you
11:09:09 21 testified that you had not seen what your counsel
11:09:12 22 marked as Exhibits E and F. You testified you had not
11:09:16 23 seen them until again after this teleconference; is
11:09:19 24 that correct?

11:09:19 25 A. Correct.

11:09:19 1 Q. And so you testified that they were, again, I
11:09:29 2 guess locked in your office that you had printed -- how
11:09:32 3 did you obtain like a file copy in the first instance?
11:09:35 4 A. Of the 129-page document?
11:09:40 5 Q. Yes.
11:09:40 6 A. I printed it out.
11:09:47 7 Q. You also testified that -- I believe you
11:09:49 8 testified these records did not relate to the services
11:09:52 9 that Mr. Garcia was providing; is that right?
11:09:54 10 A. Yes.
11:09:55 11 Q. These records -- just so I'm clear, these
11:09:59 12 records involve Mr. Garcia providing substantially
11:10:02 13 similar services in other facilities and jurisdictions;
11:10:06 14 is that right?
11:10:06 15 A. They were letters of recommendation and
11:10:13 16 copies of certificates of the training that he
11:10:16 17 received.
11:10:16 18 Q. Which were certificates about training to
11:10:23 19 provide the services that your -- that York County had
11:10:27 20 contracted him to provide to you subsequently, correct?
11:10:29 21 A. Not really. They were more of certificates
11:10:34 22 of his training in relation to the articles that were
11:10:38 23 written in the York Daily Record as to him not being
11:10:43 24 either hired by some authority or working there or
11:10:48 25 whatever the case in the articles were.

11:10:50 1 Q. I guess I'm not asking this correctly. What
11:10:55 2 the articles said that he had or had not done were,
11:10:59 3 again, substantially similar services to what York
11:11:04 4 County contracted with him to provide to you, correct?

11:11:07 5 A. Not necessarily. Some of them were
11:11:14 6 certificates of like the fact that he graduated a
11:11:19 7 sheriff's academy. That has nothing to do with the
11:11:22 8 operations of SAU at the York County Prison.

11:11:25 9 Q. His training and background would not be
11:11:28 10 relevant to the services that he was providing to you?

11:11:31 11 ATTORNEY POKRIFKA: Your Honor, I'm
11:11:32 12 going to object. This has been asked several times
11:11:34 13 now. And it's been responded to. Additionally, again,
11:11:38 14 I don't know how it is relevant to the 129 pages being
11:11:41 15 a public record under the Right-to-Know Act.

11:11:44 16 THE COURT: Your response.

11:11:47 17 ATTORNEY DAVY: I'm happy to withdraw
11:11:49 18 it, Your Honor.

11:11:50 19 THE COURT: Thank you.

20 BY ATTORNEY DAVY:

11:11:53 21 Q. Mr. Rohrbaugh, who exactly has seen this
11:11:58 22 129-page document?

11:11:59 23 A. To my knowledge, it was only myself and the
11:12:02 24 warden.

11:12:03 25 Q. And is it possible that anyone outside of

11:12:07 1 your knowledge has seen the document?

11:12:09 2 A. Not that I know of. It was locked away in my
11:12:12 3 cabinet.

11:12:29 4 ATTORNEY DAVY: Okay. Sorry. Give me a
11:12:32 5 moment, Your Honor.

11:12:32 6 BY ATTORNEY DAVY:

11:12:43 7 Q. Are you aware Mr. Garcia publicly posted
11:12:46 8 video from within York County jail?

11:12:48 9 A. Yes.

11:12:49 10 Q. Should he have done that?

11:12:57 11 A. No.

11:12:58 12 Q. Was he authorized to do that?

11:13:03 13 A. I don't believe so.

11:13:04 14 Q. Does him posting those videos -- did you ask
11:13:09 15 him at any point to take them down?

11:13:11 16 A. I don't believe that I did. I believe the
11:13:17 17 warden of the facility asked him to take them down.

11:13:20 18 Q. Did you ever -- so you became aware those
11:13:27 19 videos were posted? You are aware those videos were
11:13:30 20 posted online?

11:13:31 21 A. Yes.

11:13:31 22 Q. Did you ever look at them when they were
11:13:34 23 posted?

11:13:35 24 A. I saw what the warden showed me on his
11:13:39 25 computer.

11:13:39 1 Q. Which was the videos?

11:13:41 2 A. It was the video, but I don't know how they

11:13:44 3 were posted.

11:13:44 4 Q. Okay. But so you're aware of -- you've seen

11:13:49 5 the videos. You're aware of the contents?

11:13:50 6 A. Yes.

11:13:51 7 Q. Okay. One last question. I want to be very

11:14:01 8 clear. Mr. Garcia is not and has never been an

11:14:03 9 employee of the County; is that correct?

11:14:04 10 A. Employee of York County?

11:14:06 11 Q. Yes.

11:14:06 12 A. No.

11:14:09 13 ATTORNEY DAVY: I think that's it for

11:14:11 14 me, Your Honor.

11:14:11 15 THE COURT: Redirect.

11:14:14 16 ATTORNEY POKRIFKA: Thank you, Your

17 Honor.

11:14:12 18 * * *

11:14:12 19 REDIRECT EXAMINATION

20 BY ATTORNEY POKRIFKA:

11:14:16 21 Q. Although Mr. Garcia is not an employee -- W-2

11:14:19 22 employee of York County, is he currently being

11:14:24 23 employed -- his services are being employed by York

11:14:27 24 County?

11:14:27 25 A. Yes.

11:14:28 1 Q. Okay. Commander Rohrbaugh, I just want to
11:14:35 2 clear up something. When do you get involved in a
11:14:41 3 right-to-know request with the County?

11:14:44 4 A. Number one, very rarely. But in this case,
11:14:49 5 it was just when I was asked to turn over the 129 pages
11:14:53 6 to you.

11:14:54 7 Q. Okay. You were aware that an appeal was
11:15:00 8 taken to this right-to-know request, correct?

11:15:02 9 A. Correct.

11:15:02 10 Q. Okay. And, in fact, the telephone conference
11:15:05 11 you discussed was after that appeal had been decided,
11:15:09 12 correct?

11:15:09 13 A. Correct.

11:15:10 14 Q. Okay. And it was after the appeal which was
11:15:13 15 issued on January 31st, 2022, by the open records
11:15:18 16 office that you described having a Zoom or a telephone
11:15:22 17 conference, correct?

11:15:22 18 A. Correct.

11:15:23 19 Q. And Mr. Garcia, yourself, myself, and the
11:15:26 20 warden were on that call, right?

11:15:28 21 A. Yes.

11:15:28 22 Q. Was anybody else on that call that you
11:15:30 23 recall?

11:15:30 24 A. Not that I recall.

11:15:31 25 Q. And was it at that time in preparation for

11:15:36 1 this appeal that we are here for today, that you
11:15:39 2 realized that you were unable -- you had not been able
11:15:41 3 to open -- a document that you were unable to open was
11:15:44 4 a completely different document?

11:15:45 5 A. That's correct.

11:15:46 6 Q. You were questioned about whether or not you
11:15:56 7 talked to individuals from Charleston, South Carolina;
8 is that correct?

11:15:59 9 A. That's correct.

11:16:00 10 Q. This letter is from Spartanburg. Did you
11:16:02 11 talk to anybody in Spartanburg?

11:16:04 12 A. Not that I recall.

11:16:06 13 Q. Okay. Does York County Prison permit photos
11:16:27 14 to be released to the public from inside the prison or
11:16:30 15 the prison grounds?

11:16:32 16 A. No.

11:16:32 17 Q. Okay. So when you were reviewing the
11:16:40 18 photographs that said classified, were you able to
11:16:42 19 identify that most of those were taken in prisons or on
11:16:46 20 prison grounds?

11:16:47 21 A. Yes.

11:16:47 22 Q. Did it seem unusual to you that those
11:16:53 23 photographs would be classified?

11:16:55 24 A. No. It wasn't unusual to me.

11:16:57 25 Q. You were asked if you became aware of videos.

11:17:03 1 Were there videos or one video?

11:17:05 2 A. I only saw one.

11:17:08 3 Q. About how long was this video, one video that

11:17:11 4 you saw?

11:17:11 5 A. Maybe two seconds.

11:17:14 6 Q. Okay. And are you aware did the warden take

11:17:18 7 any action to your knowledge related to that matter?

11:17:21 8 A. The warden asked him to take it down.

11:17:25 9 Q. To your knowledge, did Mr. Garcia comply?

11:17:28 10 A. I believe he did.

11:17:29 11 ATTORNEY POKRIFKA: I don't have

11:17:30 12 anything further, Your Honor.

11:17:30 13 THE COURT: Recross.

11:17:38 14 ATTORNEY DAVY: No. No, Your Honor.

11:17:40 15 THE COURT: Sir, you may step down.

11:17:43 16 Thank you.

11:17:45 17 ATTORNEY POKRIFKA: Your Honor, could we

11:17:46 18 take a quick five minute break?

11:17:50 19 THE COURT: We can break.

11:24:28 20 (Break.)

11:24:28 21 THE COURT: Okay. So, counsel, before

11:24:30 22 we move on, I want to address something and I don't

11:24:32 23 want to belabor this point too long. Because I don't

11:24:35 24 want to cut too much into our time for testimony.

11:24:37 25 But I understand that there has been an

11:24:43 1 evolution I'll call it with respect to the existence of
11:24:49 2 documents that had been asked initially. The County
11:24:52 3 said we don't have the CV. Then there was we don't
11:24:58 4 think we have a CV, but we have these I think in the
11:25:01 5 Open Records Office decision it is 128 pages. Today I
11:25:06 6 have heard 129, whatever. And today I have Exhibit F
11:25:12 7 which is I'll say a lightly redacted copy of what is
11:25:17 8 clearly a CV.

11:25:23 9 When I look back at the November 12th,
11:25:26 10 2021, request, it ask asks for a copy of the curriculum
11:25:31 11 vitae for Joseph Garcia, et cetera, which is what
11:25:35 12 Exhibit F is. So while there may now be a request for
11:25:42 13 additional documents, how does the fact that the CV
11:25:47 14 that has been requested has now been produced? How
11:25:50 15 does that not make the appeal moot and require a second
11:25:55 16 request for the additional documents that are now being
11:25:59 17 sought?

11:26:00 18 ATTORNEY KNUDSEN BURKE: Your Honor, if
11:26:01 19 I may.

11:26:02 20 THE COURT: Sure.

11:26:02 21 ATTORNEY KNUDSEN BURKE: Our
11:26:02 22 understanding from Exhibit D that has been produced by
11:26:06 23 the County is there were two documents, CSAU agency
11:26:11 24 references and Classified STL 2021 Doc Version. It is
11:26:16 25 our understanding that those documents taken together

11:26:21 1 are the résumé. And in the cover where he says,
11:26:25 2 Commander, I know I do not need to send this. But this
11:26:28 3 should give you, the warden, Commissioner Ron, Sheriff,
11:26:31 4 and any other important key supporters 100 percent
11:26:35 5 confidence in my background and ability, capability and
11:26:39 6 skill sets. That this taken together is the résumé,
11:26:43 7 this curriculum vitae.

11:26:46 8 Exhibit F is part of that. So Mr.
11:26:49 9 Segelbaum's November 21 right-to-know request
11:26:53 10 encompasses all of this. The County's position
11:26:56 11 obviously is just F is what is relevant and should be
11:27:00 12 produced. But that's why we think that an in camera
11:27:03 13 review would be really helpful. I don't know what is
11:27:06 14 in there.

11:27:06 15 It sounds like nobody other than the
11:27:08 16 warden, the gentleman who just testified, and counsel
11:27:13 17 for the County, those are the only people who know.
11:27:16 18 If, in fact, he submitted this as his entire package of
11:27:19 19 these are my qualifications, abilities, and skill set,
11:27:25 20 that's his curriculum vitae. This is part of it,
11:27:27 21 Exhibit F, and that's wonderful. But from our
11:27:29 22 position, this does not moot it out. We still have
11:27:32 23 more to look at.

11:27:33 24 THE COURT: Let me take it outside this
11:27:37 25 to something else. Let's say in the course of a

11:27:40 1 medical malpractice case an expert doctor produces his
11:27:45 2 CV. And as part of his CV, he has listed that he's
11:27:49 3 been published certain times and he can make that
11:27:52 4 available upon request. Is that part of his CV or is
11:27:56 5 that additional information that is then made available
11:28:00 6 when requested?

11:28:01 7 ATTORNEY KNUDSEN BURKE: We can actually
11:28:02 8 look to the Right-to-Know Law itself for this point.

11:28:04 9 THE COURT: Okay.

11:28:05 10 ATTORNEY KNUDSEN BURKE: There is a
11:28:05 11 section that deals with agency employees. And we know
11:28:09 12 Mr. Garcia is not an employee. He is a contractor.
11:28:13 13 But I would submit to the Court that that language
11:28:15 14 itself is helpful for an agency employee who is hired,
11:28:20 15 not the people who are unsuccessful applicants, their
11:28:26 16 hiring materials themselves writ large are available in
11:28:28 17 a Right-to-Know Law request. And it doesn't specify
11:28:32 18 only the CV, only the, you know, references provided.
11:28:37 19 There is an actual definitional section about these
11:28:40 20 records and it is pretty broad.

11:28:41 21 THE COURT: And to be clear, I'm not
11:28:44 22 suggesting that the records may not be requestable.
11:28:47 23 What I'm suggesting is they are not what was requested
11:28:51 24 in this right-to-know request.

11:28:54 25 ATTORNEY KNUDSEN BURKE: And I think,

11:28:55 1 Your Honor, we respectfully disagree with that only
11:28:57 2 because the definition of a curriculum vitae as defined
11:29:03 3 in the Right-to-Know Law is quite broad and would
11:29:07 4 encompass the supporting materials. Now, he isn't an
11:29:12 5 agency employee. So I suppose you could make the
11:29:13 6 argument to say that section of the law is inapplicable
11:29:17 7 here. But I think we can at least look to it for an
11:29:20 8 understanding of when a person is hired by a government
11:29:25 9 agency, the legislature has made clear that we should
11:29:28 10 have a broad swath of documents about that hired
11:29:32 11 person.

11:29:32 12 I think Mr. Segelbaum's November 2021
11:29:38 13 Right-to-Know Law request would encompass everything
11:29:40 14 that we have before us today, including the 128, 29.
11:29:45 15 But it is hard to say because we can't see it.

11:29:48 16 THE COURT: Doesn't -- that broader
11:29:52 17 viewpoint, doesn't that place an unfair burden on an
11:29:56 18 agency responding to a request to not just look at
11:29:58 19 documents that are requested but try to assume what the
11:30:02 20 requestor really wants to get at and provide those even
11:30:06 21 though they may not be what was actually requested?

11:30:10 22 ATTORNEY KNUDSEN BURKE: The
11:30:11 23 Right-to-Know Law is remedial legislation. The
11:30:14 24 Commonwealth Court and Pennsylvania Supreme Court have
11:30:16 25 both repeatedly stated that agencies in accepting a

11:30:22 1 Right-to-Know Law request, one, have a duty to make a
11:30:24 2 good faith search immediately which includes contacting
11:30:28 3 everyone in the wheelhouse, as well as third-party
11:30:31 4 contractors.

11:30:33 5 In addition, they should err with as
11:30:35 6 much disclosure as possible only resorting to the
11:30:39 7 exemptions in the law when that exemption is clear. If
11:30:43 8 an agency takes a view or an approach that is frivolous
11:30:48 9 or is unwarranted by law, bad faith and penalties
11:30:53 10 apply.

11:30:53 11 In this instance because Bowling which
11:30:56 12 is a case that we will get into in our briefing.
11:31:05 13 B-o-w-l-i-n-g. I have the cite.

11:31:05 14 THE COURT: It is in the petition. You
11:31:06 15 don't need to cite it.

11:31:09 16 ATTORNEY KNUDSEN BURKE: It basically is
11:31:09 17 setting out the premise that agencies must give a
11:31:15 18 fulsome response and unfortunately it is a burden on
11:31:16 19 agencies.

11:31:17 20 But the legislature has said,
11:31:19 21 Pennsylvania long has had a history of secrecy. By
11:31:23 22 changing the Right-to-Know Law in 2008, the presumption
11:31:26 23 flipped for access for the requestor. It is now up to
11:31:29 24 the government to justify the redactions and
11:31:33 25 withholdings only in the narrowest of circumstances.

11:31:36 1 So absolutely there is a burden on
11:31:39 2 government and the legislature and the courts have
11:31:42 3 recognized that. But that burden is appropriate in
11:31:46 4 allowing citizens and the press to understand as much
11:31:48 5 as possible what the government is doing.

11:31:51 6 So that burden does rest with the
11:31:53 7 government. And it is their responsibility to justify
11:31:59 8 why these withholdings are appropriate. And that's why
11:32:03 9 given this large kind of overriding remedial
11:32:07 10 legislation goal, it is more work for the court
11:32:10 11 honestly to say we really want you to look at these
11:32:14 12 129 pages. We think that this November 2021 request
11:32:20 13 would absolutely encompass both the CV that we see here
11:32:23 14 today as Exhibit F, as well as these other documents.
11:32:28 15 Potentially there is something in there that should be
11:32:31 16 redacted under the security exemption or confidential
11:32:38 17 and proprietary trade information. But the whole
11:32:39 18 document as it was submitted to the County of York in
11:32:44 19 support of Mr. Garcia's contract status with the County
11:32:49 20 should be available. If there are portions therein
11:32:52 21 that should be redacted, the Right-to-Know Law also
11:32:54 22 deals with that. Redactions, not wholesale withholding
11:32:58 23 are the results.

11:33:00 24 ATTORNEY POKRIFKA: Your Honor, I agree.
11:33:04 25 I think that what was specifically requested was the

11:33:07 1 CV. In fact, the CV was not even obtained as a hiring
11:33:13 2 material as Attorney Burke has indicated.

11:33:16 3 Clearly the 129 pages was obtained --
11:33:20 4 was provided, I should say, voluntarily on the basis of
11:33:25 5 the reports that were being placed in the newspaper
11:33:29 6 because the County doesn't comment on those types of
11:33:33 7 issues and Mr. Garcia, the only way he had to be able
11:33:37 8 to defend himself, was to be able to provide that. He
11:33:39 9 felt the need to do that.

11:33:42 10 So those were not hiring materials.
11:33:43 11 They weren't provided as a condition of the initial
11:33:46 12 contract, and they certainly weren't provided as a
11:33:48 13 condition of the second contract. So they aren't even
11:33:51 14 hiring materials that would fall under that.

11:33:53 15 Additionally, under the Right-to-Know
11:33:54 16 Law, we have five days really to respond to these
11:33:57 17 requests. So the idea that we have to uncover every
11:34:00 18 rock, locate every third-party vendor, and go through
11:34:05 19 their documents, which by the way we didn't have access
11:34:07 20 to in November when it was requested. Because, in
11:34:11 21 fact, those links had expired within 24 hours. So
11:34:15 22 technically, had we complied with the security
11:34:20 23 requirement, we wouldn't even have had the 129 pages
11:34:23 24 which were to be returned after they were reviewed.

11:34:27 25 So, Your Honor, I do believe it may be

11:34:29 1 an argument for another day. But I still believe based
11:34:34 2 upon the testimony that you've heard already that they
11:34:36 3 were not hiring materials, they were not used in any
11:34:40 4 way directly related to the services that CSAU is
11:34:46 5 providing.

11:34:47 6 In fact, I would argue I'm not sure that
11:34:49 7 the CV is a public record or was in our possession
11:34:54 8 based upon the definition under the Right-to-Know Law.
11:34:56 9 But we can, as a public entity, redact what we believe
11:35:01 10 to be confidential and go ahead and provide something
11:35:05 11 that may not otherwise be public anyway which is what
11:35:08 12 we decided to do.

11:35:10 13 ATTORNEY KNUDSEN BURKE: Your Honor, if
11:35:10 14 I may, one thing I didn't mention that is responsive to
11:35:13 15 Ms. Pokrifka, I talked about the Right-to-Know Law
11:35:17 16 section about agency employees. And we all agree Mr.
11:35:19 17 Garcia is not an employee. He's a contractor.

11:35:23 18 I point you to that language as a guide.
11:35:26 19 However, he is a contractor and third-party vendor
11:35:29 20 under the context of 506(d) of the Right-to-Know Law,
11:35:34 21 D, as in dog. And 506(d) allows the requestor to reach
11:35:41 22 to agency records. And it doesn't really matter why
11:35:44 23 the agency has them.

11:35:46 24 If they have those records, 506(d) tells
11:35:49 25 us that the appropriate remedy for the government is to

11:35:53 1 scrutinize them and determine, are these records
11:35:57 2 relevant to a government action? Is the agency
11:36:01 3 performing? Is the third-party vendor performing a
11:36:05 4 government action?

11:36:06 5 And we know that the Commonwealth Court
11:36:08 6 has held that a prison food provider is providing
11:36:15 7 services for the government. Likewise, Mr. Garcia is
11:36:18 8 providing a government service.

11:36:19 9 So under 506(d), it really doesn't
11:36:22 10 matter why they have the record. If they have it and
11:36:25 11 it pertains to a service that he is providing to the
11:36:29 12 government, the requestor has the right to ask for
11:36:33 13 that. Now 506(d) does not allow the requestor to dig
11:36:36 14 all of the way down into all of their operations.

11:36:39 15 THE COURT: And I appreciate that
11:36:39 16 argument.

11:36:40 17 ATTORNEY KNUDSEN BURKE: Yeah.

11:36:40 18 THE COURT: But it looks passed the
11:36:43 19 initial idea of threshold question of the request was
11:36:49 20 for the CV. And again, I'm not saying that those
11:36:52 21 documents might not be available upon request. But the
11:36:56 22 request was not for those documents. The request was
11:36:58 23 for the CV.

11:37:01 24 ATTORNEY KNUDSEN BURKE: And I guess I
11:37:02 25 would say, Your Honor, it is difficult for us to refute

11:37:05 1 that. The best we know is that by this 9/21 e-mail,
11:37:14 2 September 9th of 2021 with these two attachments, they
11:37:18 3 were offered to the County as his package of
11:37:22 4 qualifications. And we don't know if any of the
11:37:27 5 documents in that 128 or 9 pages contains the word
11:37:35 6 curriculum vitae or references his curriculum vitae as,
11:37:38 7 you know, these pages are an attachment. We just don't
11:37:41 8 know.

11:37:41 9 And to the extent the Court would
11:37:44 10 consider -- is considering a decision today finding
11:37:51 11 that this matter is moot, I would say that, you know,
11:37:54 12 the newspaper, the requestor, has the right to file an
11:37:59 13 amended or new Right-to-Know Law request but
11:38:01 14 unfortunately that takes time.

11:38:04 15 So one of the reasons why we are so
11:38:08 16 pleased to be in front of you today is this gets a
11:38:09 17 hearing in a timely fashion. So I would just ask the
11:38:13 18 Court to consider that if that is, you know, the wheel
11:38:17 19 of the decisions -- the judicial decisions, it will
11:38:20 20 mean more time. And we, to be clear, don't think that
11:38:25 21 this request is moot and the documents that are
11:38:30 22 contained within it should be subject to review. So
11:38:34 23 thank you.

11:38:35 24 THE COURT: Okay. All right. I am not
11:38:48 25 a fan of wasting time any way that that would be done.

11:38:55 1 Mr. Garcia is here. Let's move forward with -- if
11:38:58 2 you're going to intend to call him, let's move forward
11:39:00 3 with making a record. That does not mean that I have
11:39:05 4 closed my mind to the appeal being dismissed as moot.
11:39:10 5 But nonetheless, let's accomplish today what we can.

11:39:13 6 ATTORNEY KNUDSEN BURKE: Thank you, Your
11:39:14 7 Honor.

11:39:15 8 ATTORNEY POKRIFKA: Your Honor, I would
11:39:16 9 call Joseph Garcia.

11:39:18 10 THE COURT: All right. Mr. Garcia, come
11:39:19 11 up to the seat to my left.

11:39:19 12 * * *

13 JOSEPH GARCIA,
14 called as a witness
15 having been duly sworn according to law,
16 testified as follows:

11:39:46 17 * * *

11:39:46 18 THE COURT: Have a seat. Make sure you
11:39:47 19 speak into the microphone for me. Go ahead.

11:39:48 20 ATTORNEY POKRIFKA: Thank you, Your
11:39:53 21 Honor.

22 * * *

23 DIRECT EXAMINATION

24 BY ATTORNEY POKRIFKA:

11:39:53 25 Q. Mr. Garcia, can you please indicate your

11:39:58 1 affiliation with CSAU?

11:40:01 2 A. Yes. I'm a contract employee.

11:40:03 3 Q. Okay. So you are a contract employee; is

11:40:11 4 that what you said?

11:40:12 5 A. Yes, ma'am.

11:40:12 6 Q. Okay. Are you aware of the request -- the

11:40:19 7 right-to-know request that is on appeal today?

11:40:21 8 A. I have been made aware of it, yes.

11:40:23 9 Q. Okay. And I believe up at the stand there

11:40:26 10 there is a document that has been marked as Exhibit A.

11:40:29 11 It is Petitioner's Exhibit A.

11:40:33 12 A. Yes, ma'am.

11:40:33 13 Q. Have you seen that document before?

11:40:35 14 A. Just right now.

11:40:37 15 Q. Okay. So are you aware that there is a

11:40:41 16 request for your curriculum vitae for Joseph Garcia,

11:40:45 17 senior team leader of CSAU1, LLC, a corrections special

11:40:50 18 organization based in Greenville, South Carolina, by

11:40:55 19 Dylan Segelbaum, who was a reporter in the York area?

11:41:00 20 A. Yes, ma'am.

11:41:01 21 Q. Okay. Even though you didn't see that

11:41:03 22 document, were you made aware at some point that a copy

11:41:05 23 of your CV was being requested?

11:41:07 24 A. Yes, ma'am.

11:41:08 25 Q. Okay. I'm actually going to have you take a

11:41:15 1 Look right away at Exhibit F that is sitting up there.

11:41:22 2 A. So I'm dyslexic. So I have to take a second

11:41:27 3 or two if you don't mind. I apologize.

11:41:30 4 Q. Sure. Take your time.

11:41:32 5 A. Yes, ma'am.

11:41:32 6 Q. Did you locate it?

11:41:33 7 A. This one, right?

11:41:34 8 Q. Yep. Can you indicate to the Court what that

11:41:37 9 is?

11:41:37 10 A. That is my CV, ma'am.

11:41:39 11 Q. Okay. Is this -- and we marked it as Exhibit

11:41:44 12 F. On top of the CV is a confidentiality requirement.

11:41:48 13 What is that intended to do?

11:41:50 14 A. This confidentiality statement was placed on

11:41:57 15 all of our documents. And it is basically giving

11:42:00 16 notice to the requestor or the government agency that

11:42:04 17 this document is to remain for eyes only and to be seen

11:42:10 18 only by need-to-know personnel.

11:42:13 19 Q. Whenever you provide a copy of your CV, do

11:42:17 20 you have a similar confidentiality document attached to

11:42:20 21 it?

11:42:20 22 A. Yes, on everything.

11:42:21 23 Q. Okay. And I note this one is specific to

11:42:24 24 York County Prison.

11:42:25 25 A. Correct.

11:42:25 1 Q. Did you make that change?

11:42:27 2 A. Yes. All we do is just change the name of

11:42:29 3 the agency.

11:42:29 4 Q. Okay. To your knowledge, do you recall

11:42:34 5 providing this to York County prior to your initial

11:42:37 6 contract with them in 2020, November of 2020?

11:42:44 7 A. They did not specifically request my CV prior

11:42:47 8 to 2020.

9 (Service Agreement premarked for

10 identification as Petitioner's Exhibit B.)

11:42:48 11 BY ATTORNEY POKRIFKA:

11:42:48 12 Q. Okay. The service agreement that was entered

11:42:51 13 is also up there, Exhibit B. Anywhere in that service

11:42:54 14 agreement was there a requirement that you provide

11:42:56 15 either a CV or any other documentation?

11:43:00 16 A. Not that I'm aware of, ma'am.

11:43:04 17 Q. Okay. Did you go through the normal

11:43:06 18 background checks with Commander Rohrbaugh that you

11:43:09 19 would to work in a prison?

11:43:11 20 A. Yes.

11:43:12 21 Q. Did you provide the CV separately in advance

11:43:27 22 of the second or I should say -- let me strike that.

11:43:32 23 Mr. Garcia, did you provide a copy of your CV as a

11:43:35 24 condition of entering into the second contract with the

11:43:38 25 County?

11:43:38 1 A. No, ma'am. I was never asked.

11:43:40 2 Q. Okay. So sometime though in or around

11:43:44 3 September 19th of 2021, you sent an e-mail to Commander

11:43:48 4 Rohrbaugh?

11:43:48 5 A. Yes, ma'am, I did.

11:43:49 6 Q. And I believe there is a copy up there of

11:43:58 7 Exhibit D?

11:43:59 8 A. Yes, ma'am.

11:44:08 9 Q. Actually, before we get to Exhibit D, I'm

11:44:11 10 sorry, let ask you one more question about your CV.

11:44:13 11 A. Yes, ma'am.

11:44:13 12 Q. Is this your complete CV?

11:44:17 13 A. It is with the exception of the pages that

11:44:20 14 are redacted are articles or cover pages that I've been

11:44:25 15 involved in, I've written articles for.

11:44:27 16 Q. So let me more specifically get to that.

11:44:29 17 When you say articles are redacted, if you look through

11:44:32 18 that Exhibit F, right? It has a cover page. It says

11:44:37 19 CV information. It says classified document at the

11:44:40 20 bottom. And then you go to the next page and it says

11:44:42 21 page 1.

11:44:43 22 A. Yes, ma'am.

11:44:43 23 Q. Is that where your CV starts?

11:44:46 24 A. Yes, ma'am, it is.

11:44:46 25 Q. Then you go to page 2, page 3. Then it goes

11:44:50 1
11:44:52 2
11:44:53 3
11:44:56 4
11:44:58 5
11:45:01 6
11:45:06 7
11:45:07 8
11:45:09 9
11:45:09 10
11:45:12 11
11:45:13 12
11:45:16 13
11:45:18 14
11:45:21 15
11:45:22 16
11:45:26 17
11:45:29 18
11:45:33 19
11:45:38 20
11:45:42 21
11:45:49 22
11:45:51 23
11:45:57 24
11:46:00 25

to page 11 --

A. Yes, ma'am.

Q. Okay. -- 12 and 13. So can you just explain on the record what is missing here?

A. There is an article I put into -- that was put -- that was written that was put into the National Sheriff's Association.

Q. Did you write that article?

A. I did.

Q. Do you sometimes include it in your CV?

A. Yes, ma'am.

Q. Why didn't you include it in this one?

A. This file was too big at the time when I tried to send just a regular e-mail, and I didn't think it was relevant.

Q. Okay. So when you talk about relevance, that's important. Why did you send this CV to Commander Rohrbaugh in September of 2021?

A. There was multiple articles that were grossly defaming and misleading and misrepresenting my background and information about me that I wanted to assuage any concern to the Commander or any member of the prison board that I was not this person that they were writing about. I became aware that Mr. Segelbaum had been working with my ex on a -- and collaborating

11:46:05 1 with my ex to get information because that's how he got
11:46:08 2 the information, was from my ex. I'm involved in a
11:46:11 3 child custody battle. And so she is using the articles
11:46:15 4 that he's writing against me in the -- in my child
11:46:18 5 custody case.

11:46:19 6 Q. So did Commander Rohrbaugh ask you to provide
11:46:24 7 this information to defend yourself against the
11:46:27 8 articles that were in our local newspaper?

11:46:28 9 A. Never once.

11:46:29 10 Q. So why did you provide it?

11:46:31 11 A. Because I felt compelled. I couldn't comment
11:46:37 12 to the -- to the papers. I can't comment on current
11:46:45 13 things going on with an agency that I'm currently
11:46:48 14 serving. It wasn't my place to. And I know that I
11:46:53 15 wouldn't be given the opportunity to be quoted word for
11:46:58 16 word to defend myself.

11:47:01 17 So I felt that in order for me to defend
11:47:03 18 myself, I went and put together I have our CV that I
11:47:07 19 provided and then I wanted to give a second document
11:47:12 20 that debunked everything written in that grossly
11:47:14 21 defaming article -- articles.

11:47:17 22 Q. Were you asked by the prison board not to
11:47:23 23 speak to the press?

11:47:24 24 A. Yes. Don't comment.

11:47:27 25 Q. And did you want to honor that agreement?

11:47:30 1 A. I'm sorry, ma'am.

11:47:31 2 Q. Did you want to honor that agreement?

11:47:32 3 A. Yes.

11:47:33 4 Q. When individuals ask for your CV --

11:47:40 5 A. Yes, ma'am.

11:47:40 6 Q. -- what do you provide them?

11:47:41 7 A. I provide them this document right here with

11:47:44 8 the exception I add usually the articles in there that

11:47:48 9 the -- the two or three articles or I've been -- I have

11:47:52 10 close to I think 30 or 40 articles that have either I

11:47:55 11 written or been ghost written for me.

11:47:57 12 Q. Okay. But you felt as though those articles

11:48:01 13 weren't relevant to the reason why you were providing

11:48:03 14 the CV this time?

11:48:04 15 A. Correct.

11:48:04 16 Q. Okay. This 128, 29 pages we keep talking

11:48:14 17 about, is that part of your CV?

11:48:16 18 A. No, ma'am.

11:48:17 19 Q. Do you provide that 129 pages to other

11:48:24 20 people, other agencies, other governments that you work

11:48:26 21 with?

11:48:27 22 A. No, ma'am. Because I serve different

11:48:29 23 agencies whether it is a sheriff's department or prison

11:48:31 24 or international government agency, I will use specific

11:48:37 25 references or what I call -- I like to call that my

11:48:40 1 client reference list to show an agency that this is
11:48:44 2 another prison that I have served.

11:48:46 3 So what I wanted to do was make full
11:48:49 4 disclosure to the Commander and any of the appropriate
11:48:56 5 members of the board that the things that were in that
11:48:59 6 article that were defaming, what I used was an
11:49:03 7 encrypted service. And in the future, I'll know now to
11:49:06 8 send a document individually at a time. But so I just
11:49:08 9 used -- put both two documents in there. One was the
11:49:12 10 CV. The other one was a document that I want to say to
11:49:16 11 debunk all of the gross misinformation that was put
11:49:20 12 about me. So it was two separate documents but I just
11:49:22 13 used one service.

11:49:24 14 Q. Okay. Did you create that document
11:49:29 15 specifically in response to those articles or is that
11:49:33 16 something that you just have sitting around your office
11:49:36 17 altogether, the 128 pages?

11:49:37 18 A. No, ma'am. I specifically spent the time
11:49:39 19 that weekend to put together this document and send it
11:49:44 20 to the Commander just so that he could -- I was hoping
11:49:47 21 that he would just have a phone conference or a meeting
11:49:51 22 with the appropriate personnel to look at this document
11:49:56 23 to see proof that I, in fact, was at certain places or
11:50:00 24 that I was an employee or that I had -- I had the skill
11:50:07 25 sets to or the experience or that I've worked with

11:50:12 1 different people and different agencies.

11:50:14 2 Q. Okay. When you provided that information to
11:50:24 3 Commander Rohrbaugh, that was several months prior to
11:50:31 4 entering into a second contract with the County; is
11:50:34 5 that correct?

11:50:34 6 A. Yes, ma'am. That is correct.

11:50:35 7 Q. And between September of 2021 and the new
11:50:39 8 contract in November of 2021, were you specifically
11:50:42 9 asked by the warden, the prison board, commissioners to
11:50:46 10 provide any reference information, letters of
11:50:50 11 reference?

11:50:51 12 A. No, ma'am. Nothing. And I've had the
11:50:53 13 County's support the entire time. But I felt just
11:50:57 14 compelled to at least send my CV and the second
11:51:02 15 attachment that I had was just to again debunk the
11:51:07 16 malicious articles and the misinformation that are
11:51:11 17 being printed.

11:51:12 18 Q. Okay. Do you feel as though those articles
11:51:18 19 were -- strike that. When you sent this information in
11:51:31 20 September of '21 to Commander Garcia, how did you send
11:51:35 21 it to him?

11:51:35 22 A. I'm sorry. Sent it to who?

11:51:37 23 Q. Commander Rohrbaugh. How did you send it to
11:51:40 24 him?

11:51:40 25 A. We used a service called Hightail.

11:51:45 1 Q. Why didn't you bring it to him?

11:51:46 2 A. Because I was in Allegheny County, and I was

11:51:50 3 going through the process of working there. And one of

11:51:54 4 Mr. Segelbaum's articles came out and he had been

11:51:59 5 working with obviously the press in Pittsburgh. And

11:52:03 6 the board I was in -- I was in the situation where the

11:52:09 7 board wanting to stop the training because of what they

11:52:13 8 read in the papers.

11:52:15 9 Q. Okay. So you sent it by something you said

11:52:19 10 called Hightail?

11:52:19 11 A. Yes.

11:52:20 12 Q. Okay. I'll have you take a look at what has

11:52:25 13 been numbered as Exhibit D. Was that the cover page of

11:52:28 14 the e-mail that you sent to Commander Rohrbaugh?

11:52:30 15 A. Yes, ma'am, it is.

11:52:31 16 Q. And there are two files attached, correct?

11:52:34 17 A. Yes, ma'am, it is.

11:52:35 18 Q. Two separate files?

11:52:37 19 A. Yes, ma'am.

11:52:37 20 Q. Okay. And can you describe what was in each

11:52:41 21 of those files?

11:52:42 22 A. So the file Classified STL 2021 Doc is just a

11:52:48 23 combination of my client -- my client reference list

11:52:52 24 with their recommendations that is proprietary

11:52:57 25 information for us.

11:52:58 1 The other one is the 2021 CSAU agency
11:53:03 2 reference. And the way that I have this set up is that
11:53:06 3 this would be 2021 agency reference. And then there
11:53:10 4 will be a 2021 agency reference number one, number two,
11:53:13 5 number three that will have different things depending
11:53:17 6 on what the agency wants to see.

11:53:19 7 Q. Okay. Do you know which of those two would
11:53:22 8 be your CV, if either of them are?

11:53:25 9 A. The one that says 2021 CSAU agency reference,
11:53:30 10 it would be -- it would start with my CV first.

11:53:33 11 Q. Okay. Again, as you had testified, that CV
11:53:41 12 document has your confidentiality requirement --

11:53:42 13 A. Yes, ma'am.

11:53:43 14 Q. -- page attached to it?

11:53:45 15 A. Yes, ma'am.

11:53:51 16 Q. When did you find out that one of those two
11:53:53 17 attachments were unable to be opened?

11:53:57 18 A. I remembered that I was on a phone conference
11:54:01 19 with you, I believe the warden, Commander Rohrbaugh.
11:54:06 20 And that conversation came up about the CV. And I
11:54:09 21 believe if I may be frank, we were on -- we were
11:54:13 22 discussing and I was kind of upset or surprised that
11:54:19 23 they are fighting over my CV and nobody has seen it
11:54:22 24 when I said I sent it to you. And I explained to you
11:54:29 25 and the warden that the document that you're looking at

11:54:33 1 is not my CV. The CV should have been in the first
11:54:37 2 file. And if recall, I said it is plain as day right
11:54:40 3 there if you just look at your e-mail.

11:54:43 4 And then I realized that you were
11:54:45 5 thinking the CV was that 129 page and I'm thinking in
11:54:51 6 my head the CV is only the eight pages that I sent you.
11:54:54 7 So at that point, that's when I realized the commander
11:54:59 8 did not even download the CV.

11:55:02 9 Q. And can you indicate when you sent it by
11:55:05 10 e-mail, was it all protected from anybody else getting
11:55:08 11 to it and how?

11:55:09 12 A. It was. I sent it and used a service
11:55:13 13 Hightail. It is a free service because the file was
11:55:15 14 too big to send just by regular e-mail. And I was
11:55:19 15 referred to go to this -- use either Adobe or Hightail
11:55:24 16 and decided to log on and use the Hightail service.

11:55:31 17 I'm sorry. May I have some water? I'm
11:55:35 18 hypoglycemic. I just haven't eaten in several hours
11:55:36 19 right now. I'm sorry, sir.

11:55:42 20 THE COURT: It's all right.

11:55:44 21 BY ATTORNEY POKRIFKA:

11:56:00 22 Q. Mr. Garcia, was -- were those attachments
11:56:05 23 password protected or encrypted in any way?

11:56:07 24 A. They were password protected and encrypted
11:56:11 25 according to the service. And they have a lockout

11:56:13 1 time. Because it was a free service, I sent it with --
11:56:18 2 with security encrypted. And then I make a password
11:56:22 3 and then I have to send it.

11:56:24 4 Q. Did you send the password separately to
11:56:26 5 Commander Rohrbaugh?

11:56:27 6 A. Yes. I believe I sent it in a text. I'm not
11:56:28 7 sure how I sent it to him or -- yeah, I believe I sent
11:56:31 8 it to him in a text or I may have talked to him and
11:56:33 9 told him what the password was to open it.

11:56:35 10 Q. Okay. And you said it was also time
11:56:39 11 accessible -- there was an expiration on accessibility.
11:56:41 12 Do you know what the time limit was?

11:56:42 13 A. It gave me the choice of 24 hours or
11:56:46 14 indefinitely. I believe I selected the 24 hours.

11:56:48 15 Q. And so it would have been in or around
11:57:10 16 February of 2022. Is that the first opportunity that
11:57:12 17 you had to meet with the warden and myself and
11:57:15 18 Commander Rohrbaugh regarding this appeal?

11:57:16 19 A. I believe so, yes, ma'am.

11:57:18 20 Q. Okay. And was it at that time that we all
11:57:25 21 became aware that the CV was attached as a separate
11:57:27 22 document?

11:57:27 23 A. Yes, ma'am.

11:57:28 24 Q. Okay. Did you then -- because at that point,
11:57:32 25 the e-mail would have expired, correct?

11:57:33 1 A. Correct.

11:57:34 2 Q. How did you then get a copy of your CV to

11:57:38 3 Commander Rohrbaugh?

11:57:39 4 A. I went and printed a copy out and I gave him

11:57:43 5 the document, the CV document probably not even in --

11:57:48 6 within the hour after we got off the phone.

11:57:50 7 Q. Okay. So you were able to print it out?

11:57:52 8 A. Yes.

11:57:53 9 Q. Okay. And when you printed it out, did it

11:57:55 10 have the confidentiality requirement on it?

11:57:57 11 A. Yes, it did.

11:57:58 12 Q. And if he opened it when he had

11:58:00 13 accessibility, would this have been on it as well?

11:58:02 14 A. Yes.

11:58:03 15 Q. Although it has this confidentiality

11:58:08 16 requirement, did you permit the County to provide this

11:58:13 17 with some minor redactions?

11:58:14 18 A. After discussion, yes.

11:58:17 19 Q. Okay. Is this your only CV?

11:58:23 20 A. It is.

11:58:24 21 Q. Okay. So you don't modify that based

11:58:27 22 upon --

11:58:28 23 A. It may get modified and over the years it has

11:58:32 24 been modified to update with training or articles or

11:58:35 25 things. But it hasn't been updated anything that I'm

11:58:39 1 aware of.

11:58:40 2 Q. When you -- when you transmit electronically,
11:58:44 3 do you always have it encrypted?

11:58:47 4 A. If we transmit it, it is done on our e-mail
11:58:52 5 and it is encrypted with a password if we are using a
11:58:57 6 PDF.

11:58:57 7 Q. Did you hand it to someone or do you ever
11:59:01 8 hand it to someone?

11:59:02 9 A. I will if an agency requests it. If I'm
11:59:05 10 going to a meeting and they want to see my CV, I will
11:59:07 11 bring it. I will hand deliver it.

11:59:09 12 Q. Okay. You indicated that during that
11:59:18 13 telephone conversation it became clear at that Zoom
11:59:21 14 meeting that the County didn't have the other
11:59:26 15 attachment, correct?

11:59:27 16 A. That's correct.

11:59:27 17 Q. Did you, in fact, send me an e-mail shortly
11:59:32 18 thereafter kind of asking to protect your documents?

11:59:36 19 A. Yes, ma'am, I did.

11:59:54 20 (E-mail premarked for identification as
21 Petitioner's Exhibit G.)

22 BY ATTORNEY POKRIFKA:

11:59:56 23 Q. Mr. Garcia, I'm going to show you what I'm
11:59:58 24 marking as Petitioner's G. Is that the e-mail that you
12:00:00 25 sent to my attention February 3rd, 2020?

12:00:07 1 A. Yes, ma'am, it is.

12:00:08 2 Q. What did you indicate in your e-mail?

12:00:10 3 A. Basically that this statement on the front of

12:00:15 4 the proposal document state that covers -- that covers

12:00:19 5 not just that but any and all documents that we -- that

12:00:24 6 we send to -- to the agents.

12:00:29 7 Q. Okay. And were you asking, why doesn't this

12:00:33 8 statement protect that material?

12:00:35 9 A. Yes.

12:00:35 10 Q. And I would ask you on the initial e-mail

12:00:42 11 that you sent to Commander Rohrbaugh, that is Exhibit

12:00:45 12 D, you also put a little message on there. So can you

12:00:48 13 read that?

12:00:49 14 A. One second. D?

12:00:51 15 Q. Yep, on D. Do you have that one?

12:00:53 16 A. This one right here.

12:00:54 17 Q. Yep. Did you include sort of a personal

12:00:57 18 message to Commander Rohrbaugh?

12:00:58 19 A. Yes, ma'am.

12:00:59 20 Q. What does that say?

12:00:59 21 A. It says, Commander, I know I do not need to

12:01:05 22 send this, but this should give you, the warden, the

12:01:08 23 commissioner, Commissioner Ron, the sheriff and the

12:01:11 24 other important key supporters 100 percent confidence

12:01:15 25 in my background and ability, capability, and skill

12:01:18 1

sets.

12:01:19 2

Q. Okay. So when you said I don't need to send this, which file were you referring to?

12:01:22 3

12:01:24 4

A. The top file and that was the 2021 CSAU agency reference which would have been the CV, my CV.

12:01:30 5

12:01:35 6

Q. Okay. What about the other file, did you think you had to send that?

12:01:38 7

12:01:40 8

A. No. Again, the articles that were being written were gross, defaming, and just completely slanderous.

12:01:46 9

12:01:52 10

12:01:54 11

Q. After you provided that information and you found out that Commander Rohrbaugh was able to open up the 129-page document, did he at any point verify to you that he was able to debunk some of the information that was in the newspapers?

12:02:00 12

12:02:04 13

12:02:08 14

12:02:11 15

12:02:12 16

A. Yes, he did. After about two weeks, he said thank you for providing the information --

12:02:19 17

12:02:21 18

ATTORNEY KNUDSEN BURKE: Objection, hearsay. We had this witness on the stand -- well, this witness but not the warden. The warden isn't here to testify.

12:02:21 19

12:02:25 20

12:02:27 21

12:02:28 22

THE WITNESS: I'm sorry. I thought you were talking about Commander Rohrbaugh.

12:02:30 23

12:02:31 24

THE COURT: Your response to the objection?

12:02:32 25

12:02:33 1 ATTORNEY POKRIFKA: Your Honor, it is
12:02:34 2 not going to the truth of the matter asserted. I want
12:02:36 3 to find out how it made Mr. Garcia feel when he
12:02:39 4 received that information.

12:02:40 5 THE COURT: Okay. So I will overrule
12:02:47 6 the objection with the understanding that the Court is
12:02:49 7 not accepting this information for the truth of what is
12:02:52 8 to be said.

12:02:54 9 ATTORNEY POKRIFKA: He also already
12:02:56 10 testified to that. Agreed?

12:02:57 11 BY ATTORNEY POKRIFKA:

12:02:57 12 Q. So, Mr. Garcia, after having your
12:02:59 13 conversation with Commander Rohrbaugh, did you
12:03:03 14 understand that the information you provided was
12:03:11 15 truthful?

12:03:11 16 A. Yes.

12:03:12 17 Q. Okay. All right. So let's talk a little bit
12:03:17 18 about this 129-page document. Okay. So in this
12:03:26 19 document that Commander Rohrbaugh was able to open, was
12:03:31 20 it your intention that he should have been allowed to
12:03:33 21 copy it?

12:03:34 22 A. No.

12:03:34 23 Q. Okay. And if he did copy it, what was your
12:03:37 24 restriction to that?

12:03:38 25 A. It was only to be used for the warden or any

12:03:46 1 of the individuals that have a need to know.

12:03:49 2 Q. Okay.

12:03:50 3 A. Limited and restricted.

12:03:51 4 Q. Would you have allowed him to retain it?

12:03:55 5 A. No.

12:03:55 6 Q. Okay. How many people in your business have

12:04:03 7 access to that 129 pages?

12:04:06 8 A. Two.

12:04:09 9 Q. And how do you maintain it as confidential in

12:04:12 10 your possession?

12:04:13 11 A. It doesn't leave my presence. If an agency

12:04:18 12 wants to see it, I will bring whatever specific they

12:04:21 13 are asking for. I'll allow them to see it, and then

12:04:24 14 I'll take it back with me.

12:04:25 15 Q. Do you create a different set of documents

12:04:27 16 upon request depending on the agency?

12:04:29 17 A. It depends on if it is an international

12:04:32 18 government agency, if it is a state department. I mean

12:04:38 19 like state -- not the state department but a state

12:04:41 20 department like Pennsylvania DOC or whatever or

12:04:45 21 sheriffs or a detention center, a county detention

12:04:49 22 center. So I make it appropriate for that agency.

12:04:51 23 Q. Okay. So in that packet of information there

12:04:59 24 were a number of photographs, correct?

12:05:01 25 A. Yes, ma'am.

12:05:02 1 Q. Did you identify those photographs as
12:05:04 2 classified?
12:05:05 3 A. Yes, ma'am.
12:05:05 4 Q. What does that mean to you?
12:05:07 5 A. It means that it is restricted or I've been
12:05:10 6 given very strict guidelines on how or who I show those
12:05:14 7 to.
12:05:15 8 Q. Do you believe that you have authorization
12:05:18 9 from the groups depicted in those photos to use them
12:05:22 10 for that limited purpose.
12:05:23 11 A. Yes. I'm usually given permission by the
12:05:26 12 commander so that they realize when I get a letter of
12:05:29 13 recommendation, that I like to at least attach with
12:05:32 14 some photos. So that it just -- it helps with the
12:05:35 15 letter of recommendation. They can see the team or
12:05:37 16 what kind of program that we are using. So that's why
12:05:42 17 we make it classified, so it doesn't go out.
12:05:45 18 Q. Do those photos show inside and outside of
12:05:52 19 similar correction facilities to York County's
12:05:54 20 facility?
12:05:54 21 A. Yes. They show a number of different
12:05:57 22 restricted areas whether it is maximum security units
12:06:00 23 or outside the fence line at the maximum security or
12:06:05 24 whatever the authority is or a training -- classified
12:06:06 25 training area, what have you.

12:06:08 1 Q. Do those photos -- do you also identify the
12:06:10 2 location that you're at or name of the group or agency
12:06:15 3 for which you're providing services?

12:06:17 4 A. Yes. The agency, usually their ID, their
12:06:21 5 badge or their patch or there might be something on the
12:06:24 6 wall that specifically says who they are.

12:06:26 7 Q. So do those photos identify your clients or
12:06:29 8 your customers?

12:06:30 9 A. They do.

12:06:32 10 Q. Did you generally sign any types of agreement
12:06:38 11 of confidentiality with agencies?

12:06:44 12 A. Like generally, for example, like with the
12:06:46 13 YCP service agreement, there is a section in there on
12:06:49 14 security clauses about what my restrictions are. And
12:06:52 15 it is a standard practice with every agency for them to
12:06:55 16 have security restrictions on what I can do or what I
12:07:01 17 can release or what is released.

12:07:02 18 Q. Some of the documents in the packet appear to
12:07:12 19 be a number of professional references from you about
12:07:16 20 you from around the world; is that correct?

12:07:18 21 A. That is correct.

12:07:18 22 Q. Do those also -- are those also identified as
12:07:21 23 classified in that document?

12:07:22 24 A. They are.

12:07:23 25 Q. Would you say that the individuals that have

12:07:30 1 provided these letters of reference are customers?

12:07:31 2 A. They are either current active or we have
12:07:34 3 used them within the last several years and we continue
12:07:36 4 to call on them. So they are -- it is our -- it is our
12:07:40 5 client rolodex.

12:07:41 6 Q. And do those letters reference the name of
12:07:44 7 individuals?

12:07:45 8 A. They do. They -- they reference the
12:07:50 9 commanders or somebody within a security level that is
12:07:54 10 there. And the reason why that is classified is that
12:07:58 11 depending on the departments that they are from, they
12:08:00 12 get moved to -- for example, if they are working in the
12:08:03 13 correction side of the Sheriff's department, they might
12:08:04 14 go to the roadside where they are working undercover or
12:08:10 15 clandestine. If it's the international -- an
12:08:13 16 international reference, that individual is a lot
12:08:15 17 different than here in the US.

12:08:18 18 Case in point or rather there are --
12:08:22 19 there are agencies that we served internationally that
12:08:26 20 the commander or the director general is now working
12:08:29 21 for Interpol or working undercover with another high
12:08:33 22 level government agency equivalent to our Homeland
12:08:38 23 Security. So violating or breaching their name or
12:08:41 24 disclosing their name could put them in great jeopardy.

12:08:43 25 Q. What about their title if there is data

12:08:46 1 attached to that letter?

12:08:46 2 A. Yes. Depends on again what their titles are
12:08:53 3 and where they go to. You don't want to disclose their
12:08:57 4 association with the agency or what they were doing
12:09:00 5 because of the work that they are doing or what they
12:09:02 6 are doing now.

12:09:02 7 Q. Are you specifically aware there were some
12:09:05 8 individuals that have provided -- some of your clients
12:09:07 9 have provided letters that are now in like undercover
12:09:10 10 or confidential positions?

12:09:11 11 A. A number of them.

12:09:12 12 Q. Okay. There is also a number of documents in
12:09:24 13 that packet that reference some of your certifications
12:09:27 14 or your education or trainings; is that correct?

12:09:29 15 A. That is correct.

12:09:31 16 Q. Okay. Can you indicate why those documents
12:09:35 17 are also deemed to be confidential or classified?

12:09:38 18 A. What makes me, you know, uniquely qualified
12:09:40 19 to do what I do is that I have a variety of training.
12:09:44 20 They may not be relevant to what I'm teaching. For
12:09:51 21 example, a certain skill set that I've learned in
12:09:53 22 medical or for nighttime land navigation may not be
12:09:59 23 appropriate to learning about cell extractions. But it
12:10:03 24 is a skill set that I have learned where I pulled a
12:10:04 25 certain segment of that skill set to teach something.

12:10:08 1 What makes me additionally uniquely
12:10:10 2 qualified is that in the community that we are in now,
12:10:14 3 it is a very competitive market. There is not a lot of
12:10:17 4 providers in our area of work.

12:10:20 5 So what allows me to stand out is my
12:10:23 6 training, my background, and what I've done. And our
12:10:27 7 competitors don't have that and so a competitor getting
12:10:31 8 my information or learning about my information allows
12:10:33 9 them to say, okay, you know what, we will just hire
12:10:36 10 this guy or that guy and then we can under bid this
12:10:40 11 man. And that's really how our business works is
12:10:42 12 really the core capability of the instructors and what
12:10:46 13 makes them uniquely qualified.

12:10:48 14 Q. Also in some of the letters that were
12:10:52 15 provided, did those letters also reference some of the
12:10:56 16 specific trainings that you provided?

12:10:58 17 A. Yes.

12:10:58 18 Q. Are your trainings at all trademarked?

12:11:03 19 A. Our titles, for example, are high risk inmate
12:11:08 20 extraction are high risk or high valued inmate
12:11:13 21 transport operations, those are acronyms I've come up
12:11:17 22 with that we are working on trademarking those for
12:11:21 23 other reasons.

12:11:22 24 Q. You indicated that you've provided this
12:11:34 25 information to Commander Rohrbaugh because of the

12:11:36 1 information that was coming out in the newspaper. Has
12:11:39 2 that information that has been reported been damaging
12:11:46 3 to you professionally?

12:11:47 4 A. It's been very damaging to me. The salacious
12:11:51 5 articles that have been written about me if I may give
12:11:53 6 you an example. When Mr. -- when the article came out
12:11:57 7 about me that I had no relationship with Jonathon
12:12:02 8 Thompson from the National Sheriff's Association, what
12:12:06 9 the article failed to mention was that there are two
12:12:10 10 Jonathon Thompsons. One is Jonathon with an O-N and
12:12:14 11 the other one is A-N. I worked for Jonathon, O-N,
12:12:18 12 Thompson who was the acting Executive Director for the
12:12:21 13 National Sheriffs where they had -- they were putting
12:12:23 14 together the program called the National Institute for
12:12:26 15 Jail Operations run by the National Sheriffs to go down
12:12:31 16 to Immokalee, Florida. I believe it is called
12:12:34 17 Immokalee, Florida, where the National Sheriffs were
12:12:36 18 putting on a partnership with that organization to do
12:12:38 19 training, and I was to head the special operation side.

12:12:42 20 And so looking at this article and
12:12:47 21 understanding that the person that was writing this
12:12:49 22 article was not doing his research properly and
12:12:54 23 salaciously just making innuendos in the article,
12:12:59 24 compelled me to reach out to the commander and to show
12:13:04 25 him and explain to him about the background and how the

12:13:09 1 articles that are being written, it was -- it was just
12:13:12 2 absolutely defaming and hurting me.

12:13:16 3 And so with Allegheny County, that was
12:13:20 4 the primary reason for them to stop the -- their prison
12:13:25 5 board, not the county itself but the prison board --
12:13:29 6 and I forgot their acronym they use, the jail board
12:13:34 7 there voted to stop the training. And that cost us a
12:13:41 8 great deal financially and with our reputation.

12:13:45 9 Unfortunately, that's been caught now
12:13:47 10 with a number of different internal -- within our
12:13:50 11 community and it is a small community and it spreads.
12:13:53 12 So the damaging is continuing to go right now.

12:13:57 13 Q. So this 128 or 29 pages, obviously has some
12:14:03 14 commercial value to you. And you had indicated it
12:14:10 15 evidences your client lists. Can you just indicate to
12:14:15 16 the Court why maintaining that confidentiality is
12:14:24 17 extremely important to your job?

12:14:26 18 A. In our business, we do not share or openly
12:14:30 19 discuss our client list because it is work that it is
12:14:38 20 proprietary information that another company can take
12:14:42 21 and go and solicit business because the groundwork has
12:14:46 22 been done.

12:14:47 23 In other words, the way that we -- the
12:14:49 24 way that we solicit business or the way that we keep
12:14:53 25 our clients, we have it -- we have a very, very

12:14:59 1 proprietary system that allows us to selectively target
12:15:07 2 our clients based on their needs and that's how we have
12:15:10 3 it classified and that's how the client reference list
12:15:13 4 that I -- I -- I have allows -- it would allow our
12:15:20 5 clients -- our competitors, I'm sorry. I'm sorry, Your
12:15:23 6 Honor. May I eat a cookie? I'm really feeling -- I
12:15:33 7 feel like I'm about to pass out. My blood sugar is
8 really low.

9 THE COURT: would you like a break?

12:15:38 10 ATTORNEY POKRIFKA: Your Honor, while
12:15:39 11 he's taking a cookie break, could we discuss something
12:15:43 12 with you about the record in this matter?

12:15:45 13 THE COURT: Go ahead and step down to
12:15:47 14 attend to your needs. On the first floor is a vending
12:15:54 15 area. You can find something.

12:15:57 16 THE WITNESS: May I leave?

12:16:00 17 THE COURT: Yes.

12:16:10 18 ATTORNEY KNUDSEN BURKE: Your Honor, do
12:16:11 19 you have access to the Prothonotary listing at your
12:16:13 20 desk?

12:16:14 21 THE COURT: I do.

12:16:15 22 ATTORNEY KNUDSEN BURKE: I'll share this
12:16:17 23 with Michelle. I didn't print it out. I'm looking at
12:16:19 24 the OOR certified record which was filed with the Court
12:16:23 25 after we were in front of Judge Vedder. So it would

12:16:30 1 have been -- I'm trying to remember what month.

12:16:33 2 ATTORNEY DAVY: It says March 31, 2022.

12:16:37 3 ATTORNEY KNUDSEN BURKE: Thank you.

12:16:38 4 March 31, 2022. I just want to -- I did provide Your

12:16:54 5 Honor the initial page of the document that was created

12:17:00 6 by Mr. Garcia.

12:17:03 7 I'm looking at that March filing. On my

12:17:07 8 PDF browser, it shows up as page 41 and it's a black

12:17:13 9 field and then it has different logos and at the time

12:17:16 10 it says Verified CV.

12:17:18 11 THE COURT: Hold on just a second.

12:17:20 12 Certification of record, correct?

12:17:22 13 ATTORNEY KNUDSEN BURKE: Yes.

12:17:22 14 THE COURT: What page are you on?

12:17:27 15 ATTORNEY KNUDSEN BURKE: Forty-one.

12:17:29 16 THE COURT: Okay.

12:17:30 17 ATTORNEY KNUDSEN BURKE: So I just want

12:17:32 18 to make sure this is a question just for all of us to

12:17:33 19 clarify. I've gotten in front of me Exhibit F and

12:17:38 20 Exhibit E. And none of those logos match up with what

12:17:42 21 is on page 41 and titled Verified CV of STL Garcia.

12:17:48 22 And I know that Michelle did the affidavit that follows

12:17:53 23 on pages 42 and 43.

12:17:56 24 ATTORNEY POKRIFKA: Can you go back?

12:17:57 25 ATTORNEY KNUDSEN BURKE: Let me --

12:17:58 1 ATTORNEY POKRIFKA: It is the same logo
12:17:59 2 on there.
12:18:00 3 THE COURT: Middle logo.
12:18:02 4 ATTORNEY KNUDSEN BURKE: Middle logo is.
12:18:03 5 Then the things that are on the sides that say
12:18:05 6 Verified --
12:18:07 7 ATTORNEY POKRIFKA: It says master
12:18:09 8 operator.
12:18:09 9 ATTORNEY KNUDSEN BURKE: Up here at the
12:18:10 10 top. So F and E are not what are appearing there. I'm
12:18:18 11 just making sure I understand.
12:18:19 12 ATTORNEY POKRIFKA: Right, right. This
12:18:20 13 was -- this was the document that I -- I provided the
12:18:24 14 initial page of the document which is why we had the
12:18:26 15 issue. We reviewed that information. I denied the
12:18:29 16 request on the basis that it was not a CV and -- but
12:18:35 17 when we got the CV and I opened the document online,
12:18:39 18 this confidentiality document was attached to the
12:18:44 19 initial CV.
12:18:45 20 ATTORNEY KNUDSEN BURKE: And just
12:18:46 21 flipping to the next page, I just want to make sure
12:18:50 22 this is still accurate.
12:18:50 23 ATTORNEY POKRIFKA: I haven't looked at
24 this.
12:18:51 25 ATTORNEY KNUDSEN BURKE: This is dated

12:18:52 1 January 25th. And you've got -- I don't know how to
12:18:56 2 make this bigger. I'm looking at paragraph 6, Your
12:19:03 3 Honor. We are trying to read it.

12:19:03 4 THE COURT: Hold on a second.

12:19:14 5 ATTORNEY KNUDSEN BURKE: Thank you.
12:19:14 6 Thank you. That's what I'm looking at. So on page 41,
12:19:24 7 that doesn't match up with either of these.

12:19:27 8 ATTORNEY POKRIFKA: It is different
12:19:28 9 because the 128 pages is a separate document.

12:19:33 10 ATTORNEY KNUDSEN BURKE: But then if you
12:19:34 11 go down to the next page, Your Honor. Thank you.
12:19:37 12 Maybe you can get a job with Darren. You're saying
12:19:41 13 here that although the black piece of paper on page 41
12:19:46 14 is on top of the other stuff, you consider those 41
12:19:53 15 letters of reference, 42 photos, and 42 pages of
12:19:58 16 certificates not to be CV even though they were all
12:20:00 17 mushed together under that.

12:20:01 18 ATTORNEY POKRIFKA: Well, they weren't
12:20:04 19 all mushed together. But what I wanted to provide to
12:20:04 20 the Court to be transparent to the Open Records Office
12:20:07 21 was that the only document we were able to find in the
12:20:09 22 three business days that they gave us to track down
12:20:12 23 information was this 128-page document that was locked
12:20:16 24 in a filing cabinet in Commander Rohrbaugh's office.

12:20:19 25 And I wanted to provide to them that

12:20:22 1 although it said CV, I reviewed it personally and it
12:20:26 2 was not a CV in any way, shape, or form. That was my
12:20:31 3 attestation to the Open Records Office.

12:20:34 4 ATTORNEY KNUDSEN BURKE: I think this --
12:20:36 5 okay. It was. Sorry. Thought that followed.

6 ATTORNEY POKRIFKA: Nope. That was my
12:20:42 7 attestation. At the time I had been given five days,
12:20:43 8 three of which were business days, to respond to the
12:20:45 9 appeal that I hadn't been properly served with. I had
12:20:48 10 no time to contact the third-party vendor to discuss
12:20:51 11 the issue.

12:20:52 12 ATTORNEY KNUDSEN BURKE: I'm sorry. I'm
12:20:53 13 just trying -- so Exhibit F that we have in front of us
12:20:56 14 today was part of that or this is a separate --

12:20:59 15 ATTORNEY POKRIFKA: No. That would be
12:21:01 16 after we realized after February when we realized that
12:21:06 17 the other attachment that had never been able to be
12:21:08 18 opened, that was what was provided as that other
12:21:13 19 document that we never accessed. All we had when I did
12:21:16 20 this was that page.

12:21:20 21 THE COURT: One of the documents from
12:21:21 22 Exhibit D, correct?

12:21:23 23 ATTORNEY POKRIFKA: Yes.

12:21:23 24 THE COURT: Which is what you reference,
12:21:25 25 that's the first page -- page 41 of this is the first

12:21:29 1 page of that 128 or 129?

2 ATTORNEY POKRIFKA: That we were able
12:21:34 3 to open. What I would argue or say to that is the
12:21:37 4 title -- somebody giving title to a document and it is
12:21:41 5 clear in the case law doesn't make it what somebody
12:21:46 6 calls it.

12:21:47 7 THE COURT: Okay. Attorney Burke.

12:21:50 8 ATTORNEY KNUDSEN BURKE: Yeah. Your
12:21:51 9 Honor, I was --

12:21:52 10 THE COURT: Maybe we are getting too far
12:21:55 11 into the lunch hour. Let me just ask. Where were you
12:21:56 12 going with that?

13 ATTORNEY KNUDSEN BURKE: So I was going
12:21:57 14 to -- just to make -- because I know Mr. Garcia is
12:22:01 15 short on his sugar supply, I want to try to keep the
12:22:06 16 cross on him as tight a possible. So I just wanted to
12:22:08 17 make sure I was clear on the various versions and I --
12:22:13 18 and one of the main things I would like to cross him on
12:22:15 19 is just making sure the record is clear about his
12:22:18 20 transfer of the files and what was in the files and how
12:22:23 21 he constructed it. So we see like pieces of them
12:22:26 22 around. So I don't know if the Court wishes to -- I
12:22:30 23 don't know what the rest of your day looks like. I
12:22:32 24 will probably be able to keep it to 45 minutes on
12:22:34 25 cross.

12:22:35 1 THE COURT: Five minutes ago I was
12:22:37 2 supposed to be in a judicial conference for the
12:22:38 3 afternoon.
12:22:39 4 ATTORNEY POKRIFKA: Right.
12:22:42 5 ATTORNEY KNUDSEN BURKE: So then we will
12:22:43 6 carry on.
12:22:43 7 ATTORNEY POKRIFKA: And I am supposed to
12:22:44 8 be at the final adjudication for the election.
12:22:47 9 THE COURT: All right. Mr. Garcia, are
12:22:52 10 you comfortable taking the stand again?
12:22:53 11 THE WITNESS: Yes.
12:22:54 12 THE COURT: Come on back up. Are you
12:23:18 13 ready to resume?
12:23:18 14 ATTORNEY POKRIFKA: Yes, Your Honor.
12:23:19 15 THE COURT: I'm going to turn the lights
12:23:23 16 back up. Go ahead when you are ready.
12:23:25 17 BY ATTORNEY POKRIFKA:
12:23:25 18 Q. Mr. Garcia, you indicated that the newspaper
12:23:28 19 articles that were in the paper prompted you to provide
12:23:31 20 this document to Commander Rohrbaugh. Were you
12:23:37 21 concerned about what was going on in Allegheny County
12:23:42 22 would affect your reputation here in York?
12:23:46 23 A. Yes. Yes, ma'am.
12:23:49 24 Q. Can you explain a little bit as to what you
12:23:51 25 mean by that, affect your reputation with regard to the

12:23:53 1 services you're providing?

12:23:54 2 ATTORNEY KNUDSEN BURKE: Your Honor, I'm

12:23:56 3 going to object to relevance. This isn't a liable

12:23:57 4 case. This isn't a slander case. To the extent that

12:24:00 5 he's submitted these materials, the curriculum vitae

12:24:04 6 and accompanying materials, because he was worried

12:24:07 7 about his reputation I think they've adequately

12:24:10 8 demonstrated that. I think he's talked at length about

12:24:13 9 what he believes to be gross and libelous.

12:24:18 10 THE COURT: Your response.

12:24:19 11 ATTORNEY POKRIFKA: Your Honor, I do

12:24:20 12 believe he's chatted at it again and was just getting

12:24:22 13 to the specific reasoning for voluntarily providing

12:24:28 14 this additional documentation.

12:24:30 15 THE COURT: I think that's clear on the

12:24:31 16 record.

12:24:32 17 ATTORNEY POKRIFKA: Okay.

12:24:33 18 BY ATTORNEY POKRIFKA:

12:24:34 19 Q. Just then a few final questions.

12:24:36 20 A. Yes, ma'am.

12:24:37 21 Q. Is that 129-page document your CV or résumé?

12:24:46 22 A. No, it is not.

12:24:46 23 Q. Did you ever provide it as a CV or résumé?

12:24:49 24 A. No, I do not.

12:24:50 25 Q. Opposing counsel will likely bring up the

12:24:53 1 first page of that 129-page document says verified CV.

12:24:58 2 Why did you attach that to the 129-page document?

12:25:02 3 A. I was the one that put it together. And so
12:25:06 4 that it wasn't -- I used the I think it's been called
12:25:14 5 Dragon Speech whenever I write letters. Because I was
12:25:17 6 doing this I believe on a Saturday putting this thing
12:25:19 7 together, I just decided to call it CV because I just
12:25:23 8 did. I don't even -- it was mislabeling or however.
12:25:28 9 But the verified is that the commander or whoever could
12:25:33 10 call and find out about a reference using my client
12:25:38 11 reference list. But that is just a basic --

12:25:42 12 Q. So was it to be used to verify the
12:25:44 13 information --

12:25:45 14 A. No.

12:25:45 15 Q. -- in your CV though?

12:25:48 16 A. I'm sorry. I don't really understand the
12:25:50 17 question. It was two separate documents.

12:25:52 18 Q. Right.

12:25:53 19 A. The one document was a CV, and the other one
12:25:55 20 was to debunk all of the slanderous and salacious
12:25:59 21 things that were being said about me.

12:26:02 22 Q. Is the information that is in this 129 pages
12:26:04 23 directly related to the services you provide to the
12:26:07 24 County under your contract?

12:26:08 25 A. No, it is not.

12:26:10 1 ATTORNEY POKRIFKA: That's all I have,
12:26:11 2 Your Honor.

12:26:11 3 THE COURT: Cross.

12:26:12 4 ATTORNEY KNUDSEN BURKE: Thank you.

12:26:13 5 * * *

12:26:13 6 CROSS-EXAMINATION

7 BY ATTORNEY KNUDSEN BURKE:

12:26:13 8 Q. Mr. Garcia, you should have in front of you
12:26:16 9 Exhibit D and that is the one that says open text.

12:26:19 10 A. Yes, ma'am.

12:26:19 11 Q. And it says Joseph Garcia has shared two
12:26:22 12 files?

12:26:22 13 A. Yes, ma'am.

12:26:23 14 Q. So not to belabor the point, but I am trying
12:26:27 15 to understand what we see projected on the screen right
12:26:29 16 now that says Verified CV of STL Garcia.

12:26:34 17 A. Yes, ma'am.

12:26:35 18 Q. In which document of those two would that
12:26:38 19 have appeared?

12:26:39 20 A. That would have been underneath the
12:26:40 21 Classified STL 2021 Doc. That document right there
12:26:48 22 you're asking me?

12:26:50 23 Q. Yes.

12:26:50 24 A. Yes, ma'am.

12:26:51 25 Q. I'm struggling because I didn't bring my

12:26:53 1 reading glasses 21. -- 219.3 MB?

12:26:58 2 A. Yes, ma'am.

12:26:59 3 Q. All right. We are talking about the same

12:27:00 4 one. Appended to that or together in this same PDF

12:27:05 5 would have been photographs, reference letters, and

12:27:09 6 other material?

12:27:10 7 A. You are talking about that document right

12:27:12 8 there, ma'am?

12:27:12 9 Q. Yes.

12:27:13 10 A. Yes, ma'am.

12:27:14 11 Q. So your testimony here today is that the

12:27:17 12 packet that I'll refer to as Classified STL, that

12:27:22 13 entire packet titled Verified CV of STL Garcia, you

12:27:27 14 didn't actually mean that? You did not mean that it

12:27:29 15 was a CV?

12:27:30 16 A. No, ma'am.

12:27:31 17 Q. What was it supposed to be?

12:27:33 18 A. Just supporting documents that debunks the

12:27:39 19 salacious articles saying I wasn't employed by someone

12:27:40 20 or that I didn't know someone or I didn't go somewhere.

12:27:44 21 Q. Do you know what a curriculum vitae is? Do

12:27:47 22 you know what the definition is?

12:27:48 23 A. No, ma'am.

12:27:49 24 Q. Do you know what a résumé is?

12:27:51 25 A. Yes, ma'am.

12:27:52 1

Q. Tell us what you think that is.

12:27:53 2

12:27:57 3

12:28:06 4

12:28:12 5

12:28:17 6

A. A résumé is something that you usually put on according to as I see like two pages, three pages that just kind of list places that you've worked, history, any sort of accomplishments on, you know, a small document, something as brief as possible.

12:28:20 7

12:28:25 8

12:28:27 9

12:28:32 10

Q. So when you say in your cover note here that you're sharing your "background and ability, capability, and skill sets", that's all in Classified STL 2021 file?

12:28:35 11

12:28:41 12

12:28:44 13

12:28:51 14

12:28:55 15

A. It is that and the 2021 SAU agency references is one of the main files that I use, one of four files that I use to -- as my CV. So the CV starts as 2021 CSAU. The Classified STL 2021 Doc was a document that I put together myself at the last minute.

12:28:58 16

12:29:06 17

12:29:07 18

Q. And that's so -- I'm sorry. The Verified CV of STL Garcia that we see up on the screen is in which document?

12:29:07 19

12:29:12 20

A. That is going to be in the Classified STL 2021 Doc.

12:29:12 21

12:29:15 22

Q. And this is where you put what you're referring to as the debunking materials?

12:29:17 23

A. Correct.

12:29:17 24

Q. And it included photographs, references?

12:29:20 25

A. Yes, ma'am.

12:29:21 1 Q. Articles?

12:29:23 2 A. I may have put it in this one. I'm not sure.

12:29:27 3 Q. Okay. Now you talked at length on direct

12:29:31 4 about feeling that press coverage of you was gross,

12:29:36 5 defamatory, and I think you included some other

12:29:38 6 adjectives. You never asked for a correction from the

12:29:42 7 newspaper, did you?

12:29:43 8 A. No, ma'am, I did not.

12:29:46 9 Q. You certainly know what a correction is?

12:29:49 10 A. Yes, ma'am, I do.

12:29:50 11 Q. You did not file suit in any county or

12:29:53 12 federal court alleging that your business or you had

12:29:56 13 been harmed and your reputational abilities?

12:29:59 14 A. At this time, I can't comment what is about

12:30:00 15 to happen.

12:30:01 16 Q. The question is a yes or no.

12:30:02 17 A. I'm not sure that I follow.

12:30:04 18 Q. Have you filed suit in any federal or state

12:30:07 19 court claiming that you have been defamed by a

12:30:10 20 newspaper in York County?

12:30:12 21 THE COURT: I'm going to add, sir, as of

12:30:14 22 today --

12:30:15 23 ATTORNEY KNUDSEN BURKE: Correct.

12:30:17 24 THE COURT: -- to make it clear.

12:30:17 25 THE WITNESS: No, we have not.

12:30:19 1 BY ATTORNEY KNUDSEN BURKE:

12:30:21 2 Q. So the purpose of this e-mail in Exhibit D
12:30:25 3 was to share your qualifications and to make sure that
12:30:29 4 the people at York County Prison knew your background
12:30:34 5 sufficiently?

12:30:34 6 A. I wanted to assuage any concerns that they
12:30:38 7 might have.

12:30:38 8 Q. But you don't have any information for us
12:30:40 9 today about why you decided to call it a CV?

12:30:44 10 A. First of all, most of my work is done by -- I
12:30:54 11 use the Dragon Speech so that the sentences are
12:31:01 12 correct. And then when I type things out very quickly
12:31:04 13 or short, I don't have -- I don't have my document
12:31:12 14 proofed. All my documents get proofed before they go
12:31:15 15 out.

12:31:15 16 Q. So you dictate it to Dragon --

12:31:17 17 A. I will use Dragon Speech or another word
12:31:21 18 software that I translate into.

12:31:22 19 Q. And you said Verified CV?

12:31:24 20 A. So this was done I believe on a Photoshop
12:31:28 21 because of the -- you see images there. And I believe
12:31:32 22 I used Photoshop to make that image. And I just typed
12:31:35 23 it in, like the title. I just put it in there, you
12:31:38 24 know, put the text title.

12:31:39 25 Q. So I'm going to direct you into the pile of

12:31:43 1 papers you have in front of you. You've got Exhibit E
12:31:45 2 and Exhibit F with different CSAU logos?
12:31:49 3 A. Ma'am, E and F?
12:31:53 4 Q. Yes.
12:31:54 5 A. Yes.
12:32:06 6 ATTORNEY POKRIFKA: I'm sorry. Did you
12:32:06 7 refer to E and F --
12:32:08 8 ATTORNEY KNUDSEN BURKE: Yes.
12:32:08 9 ATTORNEY POKRIFKA: -- as different
12:32:09 10 logos?
12:32:10 11 THE COURT: I think she just referenced
12:32:12 12 E and F so far.
12:32:13 13 ATTORNEY POKRIFKA: Okay.
12:32:14 14 THE WITNESS: Yes, ma'am. I see it
12:32:15 15 right here.
12:32:15 16 BY ATTORNEY KNUDSEN BURKE:
12:32:15 17 Q. So the logo that appears on E and F appear to
12:32:19 18 be a lighthouse or corrections tower and some kind of
12:32:23 19 animal in the background; is that correct?
12:32:24 20 A. That is correct, ma'am.
12:32:25 21 Q. And now what we see that you included based
12:32:30 22 on my testimony in Classified STL 2021 that we see in
12:32:35 23 Exhibit D has that same logo but it has additional
12:32:40 24 logos on the left and right. That appears on the
12:32:44 25 screen.

12:32:45 1 A. Yes, ma'am.

12:32:46 2 Q. So what do those logos mean on the left and
12:32:51 3 the right?

12:32:51 4 A. So those are certification pins. The eagle
12:32:56 5 on the left is master operator. That's a
12:32:59 6 certification. And operator is another certification.

12:33:03 7 Q. From whom?

12:33:04 8 A. From CSAU.

12:33:05 9 Q. Now you testified at the beginning of your
12:33:09 10 direct that you are a contract employee for CSAU?

12:33:14 11 A. Correct.

12:33:14 12 Q. So who owns the company?

12:33:15 13 A. Shawna Johnson.

12:33:17 14 Q. I'm sorry?

12:33:18 15 A. Shawna Johnson.

12:33:21 16 Q. And what is your relationship with that
12:33:23 17 person?

12:33:23 18 A. My wife.

12:33:23 19 Q. Okay. So she is the sole owner?

12:33:26 20 A. Correct, managing director.

12:33:28 21 Q. Did she issue you these certifications that
12:33:31 22 we see on the screen?

12:33:32 23 A. No.

12:33:33 24 Q. Was there a prior owner of the company who
12:33:37 25 issued those?

12:33:38 1

A. No.

12:33:38 2

Q. So your testimony is CSAU gave those certifications, but it wasn't the current owner?

12:33:46 3

12:33:47 4

A. That pin master operator and operator were not used as a certification. This was just used to decorate the page.

12:33:51 5

12:33:54 6

12:33:58 7

Q. I'm sorry. I think I misunderstood you then. I thought you had testified that these were representative of certifications?

12:34:00 8

12:34:03 9

12:34:05 10

A. No. I'm sorry. Are you saying that those pins there are my certifications? Is that what you're saying?

12:34:12 11

12:34:15 12

12:34:16 13

Q. I'm asking you. I have no idea what they are.

12:34:18 14

12:34:18 15

A. They were just decorations that I put up there that we use as an operator pin used within the community.

12:34:19 16

12:34:24 17

12:34:24 18

Q. What did the words above them mean? Master operator on the left, what does that mean?

12:34:28 19

12:34:29 20

A. So master operator is people who go through a certain course and it depends on what course they go through they can achieve the master operator pin. And the operator pin is people who go through a certain course to achieve the operator pin.

12:34:32 21

12:34:36 22

12:34:39 23

12:34:43 24

12:34:45 25

Q. Who awards that after the completion of the

12:34:48 1

course work?

12:34:49 2

A. CSAU.

12:34:50 3

Q. So I guess I'm a little confused. You said

12:34:58 4

the current owner did not award you that certification.

12:35:00 5

who awarded it to you?

12:35:02 6

A. Okay.

12:35:03 7

ATTORNEY POKRIFKA: If I can object.

12:35:06 8

And maybe I can help to clear this up. These are

12:35:09 9

levels of achievement by going through --

12:35:12 10

ATTORNEY DAVY: Your Honor, she is

12:35:14 11

testifying it sounds like.

12:35:14 12

ATTORNEY KNUDSEN BURKE: Yeah.

12:35:15 13

ATTORNEY POKRIFKA: What he's indicated

12:35:16 14

is these are awarded by CSAU, the company, when

12:35:23 15

individuals such as in our prison setting go through

12:35:28 16

that program. I thought to try to help to move this

12:35:31 17

along. I don't think the question is being asked

12:35:36 18

appropriately.

12:35:36 19

THE COURT: I think I understand the

12:35:37 20

nature of your confusion. What the question you've not

12:35:40 21

asked then is, who did award those or make those

12:35:44 22

certifications?

12:35:44 23

ATTORNEY KNUDSEN BURKE: That's a great

12:35:45 24

question.

12:35:45 25

THE COURT: Maybe that will clear up the

12:35:46 1 confusion.

12:35:48 2 BY ATTORNEY KNUDSEN BURKE:

12:35:49 3 Q. So I'll echo the Judge's question then. Who
12:35:51 4 did award the designation of master operator and
12:35:55 5 operator after completion of course work?

12:35:58 6 A. I'm lost on your question, Your Honor. And
12:36:04 7 if I can just tell you what I'm seeing right now. That
12:36:07 8 is what -- like if you go to a company and you -- like
12:36:12 9 I believe to the Marriott. So I'm at ambassador level.
12:36:14 10 If you achieve this many training courses, you can get
12:36:17 11 the operator. I'm not saying that those are my
12:36:20 12 certifications. I used it as decoration. I pulled it
12:36:23 13 to put next to the CSAU logo.

12:36:28 14 THE COURT: And I think where the
12:36:28 15 confusion is coming in, sir, who makes the
12:36:31 16 determination as to what courses you have to complete
12:36:34 17 to get that?

12:36:35 18 THE WITNESSES: Oh, I understand. Yes,
12:36:36 19 sir.

12:36:36 20 THE COURT: And who verifies you
12:36:37 21 completed that level to get the pin?

12:36:39 22 THE WITNESS: I understand, yes. So I'm
12:36:42 23 the one that establishes that program and says if
12:36:46 24 you've achieved 6 weeks, 8 weeks, or 16 weeks this
12:36:50 25 should be the level for to achieve an operator pin. If

12:36:53 1 you do 12 weeks -- your agency does a 12 week or
12:36:56 2 instructor course, then they can get this pin. But you
12:36:59 3 have to go to get the operator pin before you can get
12:37:03 4 the master operator pin.

12:37:04 5 BY ATTORNEY KNUDSEN BURKE:

12:37:04 6 Q. So on the face of this résumé, the Verified
12:37:09 7 CV of STL Garcia, you're actually physically or
12:37:12 8 visually indicating some of the certification
12:37:15 9 information that falls within?

12:37:18 10 A. I'm not sure that I'm understanding.

12:37:21 11 Q. I'll try again.

12:37:22 12 A. I'm just trying to tell you that I used that
12:37:23 13 for decoration. I'm not using that to say I'm the
12:37:28 14 master operator. I'm -- I literally designed that
12:37:32 15 sheet in about 20 minutes in Adobe and I wanted to put
12:37:36 16 a nice cover sheet together and pulled it.

12:37:39 17 Q. I'll try to make it even easier here. Are
12:37:41 18 you -- did you receive the designation of master
12:37:45 19 operator from CSAU?

12:37:48 20 A. No.

12:37:48 21 Q. So --

12:37:51 22 A. I made up master operator. I came up with
12:37:56 23 operator, senior operator, master operator. I'm not --

12:38:00 24 Q. So you do not hold that certification or
12:38:03 25 designation?

12:38:04 1 A. No.

12:38:05 2 Q. These words on the screen, master operator

12:38:08 3 and operator, are for decorative purposes only?

12:38:11 4 A. Correct.

12:38:11 5 Q. So contained within the other materials that

12:38:16 6 would have been attached to this Verified CV, there

12:38:19 7 would not be any certification from CSAU for master

12:38:23 8 operator or operator for you?

12:38:25 9 A. No.

12:38:26 10 Q. Does anyone hold that qualification from

12:38:30 11 CSAU?

12:38:30 12 A. Master operator?

12:38:31 13 Q. Yes.

12:38:32 14 A. No.

12:38:32 15 Q. Does anyone hold the title or certification

12:38:36 16 operator from CSAU?

12:38:37 17 A. Yes.

12:38:38 18 Q. Who is that?

12:38:39 19 ATTORNEY POKRIFKA: I'm going to object,

12:38:40 20 Your Honor, as to relevance. Why do the other

12:38:44 21 employees --

12:38:44 22 THE COURT: Yeah. Limit it to whether

12:38:45 23 he holds that.

12:38:46 24 ATTORNEY KNUDSEN BURKE: Okay.

12:38:47 25 BY ATTORNEY KNUDSEN BURKE:

12:38:49 1 Q. Do you hold the certification of operator?

12:38:53 2 A. No. I'm -- I think we are -- the way I
12:39:00 3 understand your question is, is this like a national
12:39:03 4 certification, operator?

12:39:07 5 Q. No.

12:39:09 6 A. The company came up with operator if you
12:39:11 7 achieved X amount of training sessions. If you go
12:39:13 8 through another level, let's say you take on hostage
12:39:18 9 rescue 1, hostage rescue 2. Then you become a senior
12:39:19 10 operator. So.

12:39:20 11 THE COURT: I think -- maybe I think the
12:39:22 12 misunderstanding is I think some of us have the
12:39:25 13 understanding that by putting these designations on
12:39:29 14 there, these are designations that you're indicating
12:39:32 15 that you as a trainer have; or perhaps the other option
12:39:36 16 is these are designations that CSAU gives to people
12:39:41 17 that go through your training.

12:39:41 18 THE WITNESS: That's correct. That
12:39:42 19 is --

12:39:43 20 THE COURT: Okay.

12:39:44 21 THE WITNESS: Why I said we use that for
12:39:45 22 decoration, I use it as a decoration. That's what we
12:39:47 23 give, we award to other agencies that fulfill -- that
12:39:52 24 go through and meet the qualifications.

12:39:53 25 THE COURT: Okay. I think we

12:39:54 1 understand.

12:39:54 2 THE WITNESS: That's not an official
12:39:56 3 designation for me as operator or master operator.

4 BY ATTORNEY KNUDSEN BURKE:

12:40:01 5 Q. But there would be different certifications
12:40:03 6 within that packet from other agencies?

12:40:07 7 A. Can you be more specific? I'm not following
12:40:11 8 your question because I'm lost on the operator side.

12:40:16 9 ATTORNEY KNUDSEN BURKE: Your Honor,
12:40:16 10 could you advance one screen down? Yes, number seven.

11 BY ATTORNEY KNUDSEN BURKE:

12:40:26 12 Q. Part of the difficulty here for us, Mr.
12:40:28 13 Garcia, is we haven't seen these pages. So we are
12:40:30 14 relying on descriptions. We understand that the
12:40:33 15 verified CV of STL Garcia was the title page and
12:40:39 16 included with it were 41 letters of reference, 42
12:40:42 17 photos marked classified, and 42 pages of certificates.
18 Is that an accurate summary?

12:40:53 19 A. I don't know the exact numbers, but that
12:40:54 20 would be about right.

12:40:55 21 Q. And that is what you put together in the
12:40:57 22 document entitled Classified STL 2021?

12:41:02 23 A. Correct.

12:41:03 24 Q. Okay. Now let's -- I just want to break this
12:41:05 25 down a little bit. I'm cognizant of time. I want to

12:41:08 1 talk about the photos.

12:41:10 2 A. Yes, ma'am.

12:41:16 3 (Document premarked for identification
4 as Respondent's Exhibit No 1.)

12:41:28 5 ATTORNEY KNUDSEN BURKE: Your Honor, may
12:41:28 6 I have permission to project while I authenticate this
12:41:31 7 document?

12:41:31 8 THE COURT: Yes.

12:41:33 9 ATTORNEY KNUDSEN BURKE: Just so we can
12:41:34 10 see it a little bit better.

12:41:35 11 THE COURT: From his computer?

12:41:37 12 ATTORNEY KNUDSEN BURKE: Yes. This is,
12:41:39 13 Darren, Number 11.

14 BY ATTORNEY KNUDSEN BURKE:

12:41:47 15 Q. I've handed you a copy --

12:41:49 16 A. I haven't had any copies.

12:41:51 17 ATTORNEY KNUDSEN BURKE: I'm sorry.

12:41:53 18 THE COURT: They are going to put it up
12:41:54 19 there.

20 BY ATTORNEY KNUDSEN BURKE:

12:42:03 21 Q. We will show it on the screen, but I will
12:42:04 22 walk through this in the meantime.

12:42:12 23 THE COURT: Does that say Respondent's
12:42:14 24 1 on that orange sticker?

12:42:17 25 THE WITNESS: This one, sir?

12:42:18 1

THE COURT: Yes.

12:42:18 2

THE WITNESS: Yes, sir.

12:42:20 3

THE COURT: Okay.

4

BY ATTORNEY KNUDSEN BURKE:

12:42:25 5

Q. Never mind. We will look at the paper copy.

12:42:29 6

And I apologize for the quality of that. But do you

12:42:33 7

recognize that? Do you recognize the Facebook author

12:42:40 8

on that document?

12:42:43 9

A. Yes, ma'am.

12:42:43 10

Q. And who is it?

12:42:44 11

A. That is me.

12:42:46 12

Q. And can you read it out for the Court?

12:42:48 13

A. STL Joseph Garcia.

12:42:52 14

Q. Is that how you identify and publicly post

12:42:55 15

things on the internet?

12:42:56 16

A. Yes, ma'am.

12:42:57 17

Q. Is that a Facebook page that is just for you

12:43:00 18

as Joseph Garcia the person or is it for your work as

12:43:05 19

well?

12:43:05 20

A. It is for me as a person, public figure.

12:43:11 21

Q. Okay. So it is not a CSAU page?

12:43:15 22

A. That's correct.

12:43:15 23

Q. Do you on occasion post things pertaining to

12:43:18 24

your work?

12:43:19 25

A. So we use a media team out of Oregon to help

12:43:22 1 keep our social media.

12:43:23 2 Q. Does the media team from Oregon have access
12:43:28 3 to your Facebook page?

12:43:30 4 A. They do.

12:43:31 5 Q. Do you recognize this post?

12:43:33 6 A. I do.

12:43:33 7 Q. Can you tell us what it is?

12:43:35 8 A. Yes, I was a captain with Spartanburg County
12:43:40 9 Sheriff's Office. I received permission to post a
12:43:41 10 photo of us with inmates.

12:43:44 11 Q. Is this a true and accurate depiction of what
12:43:47 12 was posted on your own Facebook page?

12:43:50 13 A. I'm sorry. I'm not sure that I understand
12:43:51 14 the question.

12:43:52 15 Q. Does it look real to you? Does it look
12:43:55 16 authentic?

12:43:56 17 A. Yes.

12:43:59 18 ATTORNEY KNUDSEN BURKE: Your Honor, at
12:44:00 19 this point I would move for the admission of what we
12:44:02 20 marked as Respondent's Exhibit 1.

12:44:05 21 THE COURT: Any objection?

12:44:05 22 ATTORNEY POKRIFKA: Yes, Your Honor. I
12:44:06 23 would object. I believe it is hearsay. Unless we are
12:44:10 24 asking if this is part of the 129 pages, I fail to see
12:44:13 25 how it is relevant to the matter.

12:44:16 1 ATTORNEY KNUDSEN BURKE: That is where
12:44:16 2 I'm headed, to see if it is part of the 129 pages or
12:44:20 3 representative of the photos contained.

12:44:22 4 THE COURT: So it appears what I have in
12:44:24 5 front me is a screenshot which is a different form of a
12:44:27 6 photograph. For authenticity of a photograph, the test
12:44:30 7 is very simple. Is it a fair and accurate
12:44:32 8 representation of what is actually being depicted? The
12:44:35 9 witness has answered that it is. So I will admit
12:44:38 10 Respondent's Exhibit No. 1. And any objections that
12:44:43 11 come as far as relevancy based on it, we will deal with
12:44:47 12 as they come.

13 (Respondent's Exhibit No. 1 was
12:44:48 14 admitted.)

12:44:48 15 BY ATTORNEY KNUDSEN BURKE:

12:44:48 16 Q. Mr. Garcia --

12:44:49 17 A. May I call your attention to something on the
12:44:51 18 lower left-hand corner?

12:44:52 19 Q. Sure.

12:44:53 20 A. That's a different company.

12:44:55 21 Q. Okay.

12:44:56 22 A. That's not the CSAU logo.

12:44:58 23 Q. You're pointing just for the transcript,
12:45:00 24 you're pointing to the bottom --

12:45:02 25 A. Lower left of that.

12:45:04 1 THE COURT: I think it is actually the
12:45:04 2 lower right.

12:45:07 3 THE WITNESS: I'm sorry. Lower right.

12:45:08 4 BY ATTORNEY KNUDSEN BURKE:

12:45:08 5 Q. So you posted this on your Facebook page?

12:45:12 6 A. I didn't post it.

12:45:13 7 Q. The company in Oregon?

12:45:14 8 A. Correct.

12:45:14 9 Q. With your permission posted it. Is this the
12:45:17 10 kind of photo we would be seeing in the 42 photos that
12:45:21 11 are appended to your curriculum vitae?

12:45:24 12 A. I don't believe so.

12:45:26 13 Q. What would they be?

12:45:28 14 A. They would be photos --

12:45:31 15 ATTORNEY POKRIFKA: I'm going to object.
12:45:32 16 I believe this was asked and answered several times to
12:45:35 17 what those photos broadly represent.

12:45:38 18 So it wasn't part of the 120 page, Your
12:45:43 19 Honor. I would, again, object as to relevance then.

12:45:46 20 THE COURT: Forgive me. I was attending
12:45:48 21 to the details of getting that back up. What was the
12:45:51 22 question?

12:45:53 23 ATTORNEY KNUDSEN BURKE: I'm sorry. I
12:45:54 24 was asking is this the kind of photo which appears to
12:45:57 25 show two Schnauzer-type dogs in a corrections facility

12:46:02 1 with a corrections officer's back facing the camera, is
12:46:07 2 this representative of the kinds of photos that would
12:46:10 3 have been included with the CV?

12:46:13 4 ATTORNEY POKRIFKA: I believe that was
12:46:14 5 answered, Your Honor. The follow-up question was then
12:46:17 6 to describe why it is different if it is not part of
12:46:22 7 one of those photos. And I'm objecting to that
12:46:23 8 question and its relevance to the issue before the
12:46:27 9 Court today.

12:46:28 10 ATTORNEY HOGLE: I'm sorry, Your Honor.
12:46:32 11 I don't know that Mr. Garcia answered whether this is
12:46:34 12 the kind of photo that would have been included in the
12:46:39 13 128 or 129 pages. So I think if the witness could just
12:46:42 14 clarify that, that would be really helpful.

12:46:44 15 THE COURT: Mr. Garcia, is it correct
12:46:45 16 that you answered this is not one of the photographs
12:46:49 17 included in the packet of 128 or 129 pages?

12:46:51 18 THE WITNESS: That is definitely not in
12:46:52 19 the packet that I provided in the package.

12:46:56 20 THE COURT: Is this a representative
12:46:57 21 example of the type of photographs that you would have
12:47:00 22 included?

12:47:00 23 THE WITNESS: No.

24 BY ATTORNEY KNUDSEN BURKE:

12:47:02 25 Q. Let me just probe that and I will keep it

12:47:04 1 very brief. You work with Schnauzer dogs, correct?

12:47:09 2 A. What kind of Schnauzers?

12:47:10 3 Q. The Giant Schnauzers that are bred overseas.

12:47:13 4 A. I'm -- I don't mean to be difficult. What

12:47:19 5 Giant Schnauzers? There are multiple breeds of Giant

12:47:21 6 Schnauzers.

12:47:21 7 Q. Well, here you have these -- you or your

12:47:24 8 agent at the company have these labeled as canine Max

12:47:29 9 left and canine Morgan right. Are those your dogs?

12:47:32 10 A. Mogan. They were.

12:47:35 11 Q. Are they deceased?

12:47:35 12 A. Yes.

12:47:37 13 Q. So that's you with your back to the camera?

12:47:39 14 A. That is correct.

12:47:40 15 Q. So I guess -- I'm just trying to understand

12:47:44 16 if you put in photos into your résumé, they didn't look

12:47:51 17 like this or they were some other kind of photo?

12:47:54 18 A. First of all, this photo I was given

12:47:56 19 permission by the agency to post this video. Number

12:48:01 20 two, there are no faces shown here. Number three, the

12:48:06 21 photos that are in the packet that I have strictly are

12:48:11 22 forbidden for public consumption. I did not receive

12:48:14 23 permission to disclose those to the public.

12:48:18 24 Q. How many entities prohibited you from

12:48:21 25 disclosing those 42 photos?

12:48:24 1 A. All 42 of them.

12:48:25 2 Q. Representing how many?

12:48:28 3 A. All 42 pictures are prohibited from being

12:48:31 4 shown to the public.

12:48:32 5 Q. So I'm just going to have a hypothetical.

12:48:36 6 The Smith County Prison is one.

12:48:39 7 A. I've never worked for them.

12:48:41 8 THE COURT: She asked it as a

12:48:42 9 hypothetical.

12:48:43 10 THE WITNESS: I'm sorry. I'm sorry.

12:48:45 11 BY ATTORNEY KNUDSEN BURKE:

12:48:45 12 Q. So that would be one and perhaps there would

12:48:47 13 be five photos of my fictitious Smith County Prison.

12:48:52 14 How many county prisons or other correctional

12:48:54 15 facilities said, no, you do not have permission to show

12:48:58 16 these 42 photos?

12:49:00 17 A. I'm not following your question.

18 (Video premarked for identification as

19 Respondent's Exhibit No. 3.)

12:49:05 20 ATTORNEY KNUDSEN BURKE: I'm going to

12:49:05 21 move on. I'm going to move on to video number 6. And

12:49:13 22 there is no way for me to authenticate this by showing

12:49:13 23 it to him other than showing -- I'm going to screenshot

12:49:15 24 here at the beginning without playing it. I'm going to

12:49:19 25 ask him the time questions for foundation and

12:49:20 1 authentication and then I'll let Ms. Pokrifka after I
12:49:26 2 try to establish the foundation, you know, object to
12:49:30 3 that.

12:49:30 4 ATTORNEY POKRIFKA: I guess, Your Honor,
12:49:31 5 I would object and ask for an offer of proof as to how
12:49:33 6 it is relevant to the matter that is before the Court
12:49:35 7 related to the 128-page document, whether it is a CV.

12:49:40 8 ATTORNEY KNUDSEN BURKE: Your Honor,
12:49:41 9 part of our understanding of the County's objection to
12:49:45 10 the CV is they have designated in their opinion that
12:49:49 11 these photos and reference letters are not part of a
12:49:53 12 CV.

12:49:53 13 Clearly Mr. Garcia at some point felt
12:49:55 14 that they were part of his CV and included photos. So
12:50:00 15 there is then a sub argument about the photos that
12:50:03 16 there is a security risk or a proprietary risk. So
12:50:06 17 assuming that we get over the hurdle that these are, in
12:50:09 18 fact, part of the CV, then the County has alternative
12:50:12 19 arguments that we still shouldn't see them. And I want
12:50:15 20 to explore and I will limit it to one video although I
12:50:19 21 will represent to the Court that there are a number of
12:50:22 22 public facing videos showing tactics at prison
12:50:26 23 facilities where Mr. Garcia has posted these publicly
12:50:30 24 either on his Facebook page or on YouTube channels and
12:50:36 25 there are some other places where they appear.

12:50:37 1 But the point and this offer of proof
12:50:39 2 goes to if the argument is that the photos are
12:50:43 3 confidential and proprietary as to the business
12:50:45 4 practices of CSAU, they've waived that by significantly
12:50:50 5 publishing a video, not just still photos, video of
12:50:53 6 their tactics in correctional facilities around the
12:50:57 7 country.

12:50:57 8 So Exhibit 6 is a promo video and it is
12:51:03 9 showing demonstrating the use of canines and shotguns
12:51:07 10 in a correctional facility.

12:51:08 11 THE COURT: So first let's just bring up
12:51:11 12 the opening representation.

12:51:15 13 ATTORNEY KNUDSEN BURKE: So I'm going to
12:51:16 14 go through the colloquy if that's all right, Your
12:51:18 15 Honor, to try to establish the authenticity of this.

12:51:21 16 THE COURT: Let's deal with that first.

12:51:23 17 ATTORNEY KNUDSEN BURKE: All right.

12:51:24 18 BY ATTORNEY KNUDSEN BURKE:

12:51:24 19 Q. Mr. Garcia, do you or your media company in
12:51:31 20 Oregon post videos showing your work inside
12:51:35 21 correctional facilities?

12:51:36 22 A. No.

12:51:38 23 Q. Do other people take videos of you with your
12:51:43 24 permission and post those to social media and YouTube?

12:51:49 25 A. They have in the past.

12:51:50 1 Q. All right. And you're aware and you've
12:51:53 2 posted a number of times to your own Facebook page some
12:51:56 3 of these videos showing you and your dogs at work?
12:51:59 4 A. I don't post. The post is done for me.
12:52:02 5 Q. Okay. But they appear on the STL Garcia
12:52:06 6 Facebook page we talked about earlier?
12:52:07 7 A. They do.
12:52:08 8 Q. Do you recognize these cell blocks set up
12:52:14 9 here labeled C-1 with an expletive up in the right-hand
12:52:17 10 corner? Do you recognize this layout?
12:52:21 11 A. It is familiar.
12:52:23 12 Q. All right. Do you know which correctional
12:52:25 13 facility it shows?
12:52:28 14 A. I need to see more of the video.
12:52:32 15 Q. May I advance so he has a -- I think he
12:52:37 16 will -- I think he is able to authenticate it. But it
12:52:39 17 is a little unfair to ask him based on this one screen.
12:52:44 18 A. There is man up there with a head on there.
12:52:47 19 That's not --
12:52:54 20 Q. Well, let me ask this. When your agents at
12:52:59 21 the social media company in Oregon post video showing
12:53:03 22 you at work in cell blocks, it is not a theatrical
12:53:08 23 production, right? You're actually in a correctional
12:53:10 24 facility?
12:53:12 25 A. It might be an inactive correctional

12:53:14 1 facility.

12:53:15 2 Q. But they are real correctional facilities,

12:53:18 3 perhaps inactive at that time?

12:53:20 4 A. There are some, yes.

12:53:21 5 Q. But it is not a staged production in a set,

12:53:24 6 like a Hollywood set?

12:53:26 7 A. There are a few.

12:53:27 8 Q. There are a few?

12:53:28 9 A. There are a few.

12:53:29 10 Q. Okay. What we are looking at right here is a

12:53:30 11 real prison?

12:53:33 12 A. I believe so.

12:53:34 13 Q. All right. Do you have any reason to believe

12:53:36 14 that the videos posted on your own STL Garcia Facebook

12:53:42 15 page showing you in action in prison facilities, do you

12:53:48 16 have any reason to believe they are not authentic?

12:53:50 17 A. There are one other competitor that has taken

12:53:53 18 video extracts from video that we had to create their

12:53:57 19 own video.

12:53:58 20 Q. Okay. But that person wouldn't have access

12:54:00 21 to your own Facebook page?

12:54:02 22 A. No. But what they did, they strip it off the

12:54:05 23 Facebook. If I have video that is on Facebook social

12:54:07 24 media, they strip it off and they will create their own

12:54:10 25 video. They will re-put it -- re-put it up there. We

12:54:13 1 have had video that they've stripped off, and they
12:54:17 2 counterfeited it and made it look very bad for us.

12:54:20 3 Q. Well, I'll represent to you that this video
12:54:22 4 was downloaded from the STL Joseph Garcia Facebook page
12:54:27 5 in the timeframe of January 1, 2021, to May 27, 2022.
12:54:32 6 So this is coming directly from your own Facebook page,
12:54:35 7 not a competitor.

12:54:38 8 A. I need to see the video.

12:54:39 9 ATTORNEY KNUDSEN BURKE: All right. So,
12:54:40 10 Your Honor, at this point I think we have established
12:54:44 11 his connection to social media to the STL Garcia page,
12:54:47 12 but I understand his reluctance in authenticating until
12:54:52 13 he sees the video. May we have permission to play more
12:54:53 14 of the video, perhaps a minute just to allow him --

12:54:57 15 THE COURT: Attorney Pokrifka.

12:54:59 16 ATTORNEY POKRIFKA: Your Honor, I'm not
12:55:02 17 sure that they've properly authenticated the video.
12:55:07 18 Mr. Garcia doesn't recognize the location. He wasn't
12:55:10 19 even asked if he recalls doing a video, even with the
12:55:16 20 familiarity he knows of this location or that his
12:55:18 21 group -- his media group may have done a video in this
12:55:21 22 location. Just that it's vaguely familiar to him.
12:55:25 23 There has been no information as to an exact timeline
12:55:30 24 that this was created or its relevance to today's
12:55:36 25 proceeding.

12:55:36 1 THE COURT: So the purpose of seeing the
12:55:39 2 video is what?

12:55:41 3 ATTORNEY KNUDSEN BURKE: It we get
12:55:43 4 passed the hurdle and the Court accepts the still
12:55:46 5 photographs are part of the CV, then we get to the
12:55:48 6 question of whether the exception in the Right to Know
12:55:51 7 Law deals with security and also proprietary.

12:55:53 8 THE COURT: So the purpose is for me to
12:55:55 9 see this video so that if I do an in camera review of
12:55:58 10 the photographs, I can determine whether or not any of
12:56:04 11 the still photographs included in the 128 or 9 pages
12:56:08 12 include something from this video that has been
12:56:11 13 published.

12:56:11 14 ATTORNEY KNUDSEN BURKE: And also I'll
12:56:13 15 have two followup questions after this, and then I'll
12:56:15 16 be wrapping very quickly.

12:56:16 17 But for the Court to determine the
12:56:18 18 witness' veracity when he has testified to the Court
12:56:21 19 that there are proprietary and confidential matters at
12:56:25 20 question here, when there is a significant amount of
12:56:28 21 material being publically shown.

12:56:31 22 THE COURT: Okay. So here is what we
12:56:32 23 are going to do. Mr. Garcia, I'm going to start
12:56:34 24 playing the video.

12:56:34 25 THE WITNESS: Yes, sir.

12:56:35 1 THE COURT: As soon as you are able to
12:56:38 2 recognize whether you believe this to be an authentic
12:56:40 3 video of your outfit or -- well, I'll just say as soon
12:56:45 4 as you recognize it, I want you to speak up whether
12:56:47 5 that is two seconds in or a minute in. Okay?

12:56:50 6 THE WITNESS: Yes, sir.

12:56:50 7 THE COURT: Go ahead and play the video.

12:56:52 8 ATTORNEY KNUDSEN BURKE: Okay. Darren,
12:56:53 9 thank you.

12:56:57 10 THE WITNESS: Yes.

12:56:58 11 THE COURT: Okay.

12 BY ATTORNEY KNUDSEN BURKE:

12:56:59 13 Q. All right. Mr. Garcia, you just answered
12:57:02 14 yes, you recognize this video. What makes you
12:57:05 15 recognize it?

12:57:07 16 A. That's me and the way that I pre-position a
12:57:11 17 young training dog.

12:57:13 18 Q. Okay. So we saw the dog come in and you
12:57:16 19 testified earlier that some of the places where you
12:57:20 20 stage these videos are inactive prisons. Was this an
12:57:24 21 active or inactive prison?

12:57:25 22 A. This part -- so that's a trick question, Your
12:57:30 23 Honor, that she is asking me. So can I just clarify
12:57:32 24 something?

12:57:33 25 Q. I'm sorry. It was probably a bad question.

12:57:34 1 THE COURT: Answer it as best as you
12:57:35 2 can.

12:57:35 3 THE WITNESS: This part of the facility
12:57:37 4 was undergoing renovation.

12:57:40 5 BY ATTORNEY KNUDSEN BURKE:

12:57:41 6 Q. So there are no inmates in this part of the
12:57:43 7 prison?

12:57:43 8 A. That half of the facility.

12:57:44 9 Q. Okay. Can you tell us where this is?

12:57:46 10 A. No, ma'am.

12:57:48 11 Q. And that's because you're precluded, can't do
12:57:52 12 that?

12:57:53 13 A. That's correct. And you are not going to see
12:57:54 14 where this facility is at as a description. I was
12:57:58 15 allowed to utilize this facility. Those -- you bring
12:58:02 16 up a term of tactics and there is a -- what you might
12:58:10 17 consider tactics, we consider Hollywood fluff.

12:58:11 18 This was a video to demonstrate the
12:58:14 19 dog's focus on the target up. The guns have nothing to
12:58:18 20 do with it. It is just to try to cause distraction.

12:58:22 21 ATTORNEY KNUDSEN BURKE: Your Honor, at
12:58:22 22 this point I'm going to move admission of the video as
12:58:28 23 Respondent's 3. And I think what I would ask is to
12:58:31 24 play -- the witness has testified that this is a video
12:58:34 25 showing the dogs going up. If we can just see --

12:58:37 1 THE WITNESS: I didn't say the dogs
12:58:38 2 going up. I said the dog's focus on the target.

12:58:41 3 ATTORNEY KNUDSEN BURKE: Okay. The
12:58:42 4 dog's focus on the target. If we can just see the
12:58:44 5 dog's focus on the target and then stop it that point.
12:58:47 6 That will be the exhibit.

12:58:50 7 THE COURT: Do you have any objection to
12:58:52 8 the movement of the admission of it at this point?

12:58:54 9 ATTORNEY POKRIFKA: Your Honor, my
12:58:58 10 objection is related to relevance again because we are
12:59:01 11 talking about the difference between the photographs
12:59:02 12 that identify specific confidential locations and one
12:59:06 13 that has been staged. So.

12:59:08 14 THE COURT: Okay. For purposes of
12:59:12 15 admission, I'm going to overrule that objection and
12:59:15 16 admit Respondent's 3 which is the video. I've heard
12:59:22 17 the witness' testimony as to the purpose of the video.
12:59:25 18 I understand the reasoning that it is being offered,
12:59:27 19 and I believe we have more efficient use of our time
12:59:30 20 with the witness than to just watch the video unless
12:59:32 21 you have other specific questions about the content of
22 the video.

23 (Respondent's Exhibit No. 3 was
12:59:36 24 admitted.)

12:59:36 25 ATTORNEY KNUDSEN BURKE: I do and this

12:59:39 1 goes not to the confidential and proprietary nature but
12:59:43 2 just a few questions to establish the security
12:59:47 3 exemption that the County is claiming under the
12:59:49 4 Right-to-Know Law.

12:59:50 5 THE COURT: Okay. Do those questions
12:59:52 6 require us to watch the video?

12:59:54 7 ATTORNEY KNUDSEN BURKE: I think just a
12:59:55 8 minute, Your Honor. Just a minute if we can do that.
12:59:59 9 Darren, if you can do just a minute.

10 THE COURT: Okay.

13:00:19 11 (Video played.)

13:00:22 12 ATTORNEY KNUDSEN BURKE: Thank you. If
13:00:22 13 you can say, Darren, what was the timestamp that that
13:00:25 14 stopped at?

13:00:29 15 MR. BETZKO: Total time is 23 seconds.

13:00:32 16 ATTORNEY KNUDSEN BURKE: Twenty-three
13:00:32 17 seconds. Okay.

18 BY ATTORNEY KNUDSEN BURKE:

13:00:32 19 Q. So we viewed 23 seconds. During that time,
13:00:36 20 we saw you enter with one of your dogs; is that
21 correct?

13:00:40 22 A. Yes, ma'am.

13:00:41 23 Q. And in this video, I understand that this is
13:00:44 24 a portion of the prison that does not contain inmates
13:00:47 25 but we can see different places that might be

13:00:53 1 considered a blind spot such as under the stairs; is
13:00:56 2 that true?

13:00:57 3 A. I'm not sure if I follow your question.

13:01:03 4 Q. In the prison setting -- I'll try to clarify.

13:01:06 5 A. Are you asking if I can see what is
13:01:08 6 underneath the stairs now that we just saw a second
13:01:11 7 ago?

13:01:11 8 Q. Well, the viewer. So we are not there. We
13:01:13 9 are the public viewing this. Does this video give
13:01:16 10 members of the public understanding of security
13:01:22 11 practices within a prison because we are seeing places
13:01:26 12 that typically the public doesn't see?

13:01:28 13 A. Sir, I'm not following the question. I'm
13:01:33 14 sorry. This is a housing unit for trustees. So there
13:01:38 15 are no locks. They can freely open and close. There
13:01:40 16 are no locks on these doors. So that's why they are
13:01:42 17 renovating it, to try and lock it and put in whatever
18 else they were doing. Those doors open and close
13:01:52 19 freely. So the inmates can't be locked in.

13:01:52 20 THE COURT: I think her question is, is
13:01:53 21 this a part of the prison that any visitor walking in
13:01:56 22 would just be able to go and see?

13:01:59 23 THE WITNESS: I'm not the administrator
13:02:03 24 of that facility. I'm not sure.

25 BY ATTORNEY KNUDSEN BURKE:

13:02:08 1 Q. Mr. Garcia, in this in video and some dozen
13:02:12 2 that have been posted on your STL Garcia Facebook page,
13:02:19 3 you show your own tactics as well as the dogs work in a
13:02:26 4 prison setting.

13:02:27 5 Doesn't this for a person who might wish
13:02:30 6 harm on the prison guards, doesn't this give them an
13:02:34 7 understanding of how they could do something bad inside
13:02:37 8 of that prison?

13:02:38 9 A. I'm sorry. Because I'm lost here. You said
13:02:45 10 tactics. There was no tactics being done here. This
13:02:47 11 was -- if you notice the four people separated. What
13:02:52 12 the purpose of this video, Your Honor, was that because
13:02:55 13 we are followed by tens of thousands of canine
13:02:59 14 handlers, when a dog is recalled back, the dog
13:03:01 15 sometimes doesn't often know where to go to. So we
13:03:04 16 separate and that's why the guys are just making or
13:03:06 17 creating chaos. We are trying to show that this dog
13:03:09 18 has really good focus and will come back to a handler.

13:03:11 19 If you notice the mattresses and the
13:03:14 20 box, most dogs won't even think about climbing up them
13:03:18 21 stairs, let alone the mattresses that are on the stairs
13:03:22 22 and then jumping the box. This was created that -- so
13:03:25 23 it sends the dog into -- for us, for any good handler
13:03:31 24 watching this, they will say that dog is a very
13:03:33 25 intelligent dog. Because despite all of the noise and

13:03:37 1 all of the guys yelling and the decoy who is, you know,
13:03:42 2 making a lot of noise, when the dog is recalled back,
13:03:45 3 the dog actually goes back to the handler.

13:03:47 4 what you don't see right now is that the
13:03:49 5 dog is being guided with lights and lasers. There is
13:03:54 6 zero tactics here. We want the guys to move around so
13:03:56 7 that the dog can see -- if you're a canine handler,
13:04:00 8 you'll notice that when dogs look around, they see all
13:04:03 9 of the moving objects. You want to prevent -- what
13:04:05 10 makes these dogs very special is that they don't just
13:04:09 11 inadvertently bite anybody. They are highly trained to
13:04:14 12 go back to the appropriate handler. So that's why we
13:04:17 13 separated, everyone is making noise, to show the end
13:04:18 14 viewer just the absolute control that these dogs have.
13:04:21 15 There is no tactics being used and that's what I'm --
13:04:25 16 I'm trying to correct you on that when you say tactics.

13:04:27 17 Q. I appreciate that. And I think we're not
13:04:30 18 going to talk -- I'm not going to use the word tactic
13:04:31 19 anymore. Because I think we are at a semantics point.
13:04:35 20 But what I do want to focus on --

13:04:36 21 A. No, ma'am. Because there is no tactics. So
13:04:41 22 a professional colleague would say, what are you doing?
13:04:42 23 A, you would never do that with a dog and go in with a
13:04:44 24 gun blazing like that. B, you would never separate
13:04:47 25 your guys like that. C, you wouldn't just

13:04:51 1 inadvertently be shooting all over the place. I mean
13:04:53 2 there's no -- that is just we are doing that
13:04:55 3 specifically for the dog to overwhelm the dog's sensory
13:04:58 4 system. Because if you look at this, the dog doesn't
13:05:00 5 have any ears or eye protection and that is really
13:05:03 6 overwhelming for the dog itself. Does that make sense,
13:05:06 7 Your Honor?

13:05:06 8 THE COURT: Yes.

13:05:08 9 THE WITNESS: That's what the video
13:05:09 10 shows.

13:05:09 11 THE COURT: It does. I think she is
13:05:11 12 ready to move on.

13:05:12 13 THE WITNESS: I'm sorry.

13:05:12 14 ATTORNEY KNUDSEN BURKE: Thank you.

13:05:13 15 BY ATTORNEY KNUDSEN BURKE:

13:05:14 16 Q. So taking out of the equation the dogs and
13:05:17 17 any tactics that you might have, your videos that are
13:05:21 18 publicly posted show windows, doors, lighting, and
13:05:26 19 cameras inside prison facilities?

13:05:29 20 A. I'm not sure what video you're talking about.

13:05:31 21 Q. I'm talking about all of them, every video
13:05:34 22 that you post up that shows a prison setting and your
13:05:39 23 work inside the prison, you're showing different
13:05:42 24 physical places in the prison.

13:05:44 25 A. Again, I don't know what video you're talking

13:05:49 1 about. We have put video up. Depending on what video
13:05:53 2 they are depending if the facility is an open facility,
13:05:56 3 a restricted facility, or a borrowed facility which
13:05:59 4 means it hasn't gone online yet. And so I'm not sure
13:06:02 5 what video you're specifically talking about.

13:06:04 6 Q. Well, I'll just do this.

13:06:07 7 A. Other people make movies for us. And then
13:06:09 8 they say, okay, we censored this. There is no -- we
13:06:15 9 have got all of the permissions by the agencies or the
13:06:19 10 people that we are utilizing. Because we do use some
13:06:22 11 police officers or some military personnel, and we put
13:06:24 12 them in our uniform. So it depends on what video
13:06:27 13 you're talking about.

13:06:28 14 Q. So you do receive permission from different
13:06:31 15 entities to post things online?

13:06:33 16 A. We have to.

13:06:34 17 Q. In all instances?

13:06:36 18 A. If we are going to put something up, then we
13:06:38 19 need to. Biggest restriction that we have and that I
13:06:43 20 found out with York County was that I couldn't use the
13:06:47 21 video. So I violated that despite us -- despite the
13:06:52 22 video not showing any faces, any markings, or anything
13:06:54 23 else. It was approximately 2.1 second of a video that
13:06:57 24 we were focusing on the dog, not the environment.

13:07:01 25 Q. So at least in that instance, you did not

13:07:03 1 seek permission?

13:07:04 2 A. That is correct. I didn't -- I didn't

13:07:06 3 receive permission. But it was posted before I even

13:07:10 4 knew about it.

13:07:11 5 Q. Okay. And for these 42 photographs that are

13:07:14 6 at question attached to the Verified CV, you're telling

13:07:20 7 the Court that you have been directed or told otherwise

13:07:24 8 you may not share these photos?

13:07:26 9 A. Yes.

13:07:27 10 Q. Do you have that in writing?

13:07:29 11 A. I have it with all agencies depending on what

13:07:32 12 contract we have. An example is YCP. There is a

13:07:37 13 section on security. And I'm not sure what number it

13:07:39 14 is. But I'm also under the guidelines of no

13:07:42 15 photographs. At all facilities they say no

13:07:44 16 photographs -- no photographs, no pictures, no guns to

13:07:48 17 be in the facility itself which is an automatic warning

13:07:54 18 for us not to use any photos or bring our phones in.

13:07:57 19 Q. Why are you posting videos online if you're

13:07:59 20 not to be taking pictures?

13:08:01 21 A. Again, I didn't post the videos or post

13:08:04 22 videos. And the ones that we do post up, what you

13:08:07 23 think is a facility may have been inactive and we

13:08:11 24 received permission to post that video up.

13:08:14 25 Q. Okay. Now I just want to ask a couple more

13:08:16 1 questions and then we can hopefully wrap up soon.

13:08:23 2 You've placed on Exhibits F and E the words classified;

13:08:35 3 is that correct?

13:08:35 4 A. Yes, ma'am, I believe.

13:08:39 5 Q. In Exhibit E, the word classified appears in

13:08:43 6 red ink.

13:08:44 7 A. Yes, ma'am.

13:08:44 8 Q. By whom is this information classified?

13:08:48 9 A. It's classified on two counts, one,

13:08:54 10 internally and, two, by the agency.

13:08:58 11 Q. So let's just take those in turn. Internally

13:09:01 12 means CSAU, your employer --

13:09:03 13 A. Correct.

13:09:03 14 Q. -- says that you may not share information

13:09:06 15 about your professional background and qualifications

13:09:10 16 except for people who need to see it?

13:09:13 17 A. Correct.

13:09:13 18 Q. And on the agency, do you mean the receiving

13:09:20 19 agency?

13:09:20 20 A. Correct.

13:09:21 21 Q. So York County Prison says you cannot share

13:09:24 22 information about your education and background?

13:09:28 23 A. No. York County says that all information

13:09:32 24 related to the training related to our business is

13:09:36 25 to -- I believe -- I don't know the exact terminology.

13:09:38 1 But sensitive security. There is a -- I forgot what
13:09:44 2 that clause is.

13:09:45 3 Q. So it's the classified designation does not
13:09:48 4 come from a federal agency such as --

13:09:50 5 A. No, it does not.

13:09:51 6 Q. -- the United States Department of Defense?

13:09:53 7 A. No, it does not. It does not come from a
13:09:57 8 government agency. But the information in it, whatever
13:10:00 9 I disclose is classified.

13:10:02 10 Q. All right. So while the USDOD hasn't
13:10:05 11 classified this, you are familiar with military
13:10:08 12 service?

13:10:10 13 A. Yes.

13:10:11 14 Q. And, in fact, we heard earlier from the first
13:10:15 15 witness that you had a stint in the United Kingdom
13:10:19 16 during which you pleaded guilty to a crime?

13:10:22 17 A. I don't believe I heard him say that.

13:10:29 18 Q. He was talking about the newspaper article.
13:10:34 19 We can read back the record and there was a concern
13:10:37 20 about a portion of that newspaper article talking about
13:10:43 21 your past criminal history in the UK. And he testified
13:10:47 22 on direct that that was why you sent in these
13:10:51 23 materials. Did you hear him say that?

13:10:52 24 A. No.

13:10:53 25 Q. You were in the courtroom, right?

13:10:55 1 A. Yes, ma'am, I was.

13:10:56 2 Q. Okay. Well --

13:10:58 3 ATTORNEY POKRIFKA: Your Honor, I am
13:10:58 4 going to object. I think it is a mischaracterization
13:11:00 5 of the testimony.

13:11:01 6 THE COURT: Okay. As the finder of
13:11:04 7 fact, I get to recall the testimony as I believe it to
13:11:07 8 be. So the objection is noted.

13:11:13 9 BY ATTORNEY KNUDSEN BURKE:

13:11:13 10 Q. Did you plead guilty in the United Kingdom?

13:11:19 11 ATTORNEY POKRIFKA: Your Honor, I'm
13:11:21 12 going to object again. I'm not understanding the
13:11:24 13 relevance of his background to the issue that is before
13:11:30 14 the Court today. And, in fact, I would mention, Your
13:11:32 15 Honor, I believe we are going to get into some very
13:11:34 16 confidential information if we go down this road that I
13:11:38 17 prefer to perhaps discuss at sidebar.

13:11:40 18 THE COURT: Okay. Apparently you have
13:11:43 19 information about something. Is it crimen falsi in
13:11:45 20 nature?

13:11:46 21 ATTORNEY KNUDSEN BURKE: Your Honor,
13:11:47 22 that's a great question. And I am not a barrister in
13:11:53 23 the United Kingdom and I have not been able to make a
13:11:57 24 determination about whether it is crimen falsi.

13:12:00 25 ATTORNEY POKRIFKA: Then, Your Honor, I

13:12:02 1 would object. She can't --

13:12:03 2 THE COURT: My recollection is the rules
13:12:04 3 of evidence say crimen falsi within the last ten years.
13:12:07 4 If you can't say it is crimen falsi, then we are not
13:12:09 5 going to hear about it.

13:12:10 6 ATTORNEY KNUDSEN BURKE: I understand
13:12:11 7 the ruling, Your Honor. I would say that in terms of
13:12:13 8 credibility of the witness --

13:12:16 9 ATTORNEY POKRIFKA: I would object.

13:12:17 10 THE COURT: That is precisely why the
13:12:18 11 rule of evidence exists.

13:12:21 12 ATTORNEY KNUDSEN BURKE: Understood,
13:12:21 13 Your Honor.

13:12:23 14 ATTORNEY DAVY: Could we have a minute?

13:12:25 15 THE COURT: Sure.

13:12:26 16 (Attorney Davy and Attorney Knudsen
13:12:27 17 Burke conferred off the record.)

13:12:39 18 ATTORNEY KNUDSEN BURKE: Your Honor, I
19 will wrap this up very quickly.

20 BY ATTORNEY KNUDSEN BURKE:

13:12:41 21 Q. We talked earlier about -- you appeared very
13:12:43 22 upset on the stand today when you talked about the
13:12:46 23 newspaper coverage of you and your characterization of
13:12:50 24 it as grossly misleading; is that correct?

13:12:54 25 A. I believe I used the words grossly

13:12:56 1 misleading, salacious, and defaming.

13:12:58 2 Q. And one of those newspaper articles you're
13:13:01 3 talking about included information about you pleading
13:13:06 4 guilty in the United Kingdom; is that correct?

13:13:08 5 A. I don't believe I mentioned any article
13:13:10 6 specifically.

13:13:15 7 THE COURT: Her question was whether one
13:13:17 8 of the articles mentioned that particular topic.

13:13:20 9 THE WITNESS: I didn't read the
13:13:22 10 articles. They were told to me.

13:13:24 11 BY ATTORNEY KNUDSEN BURKE:

13:13:24 12 Q. Are you aware from the person who told you
13:13:27 13 that one of them contained an allegation that you
13:13:30 14 pleaded guilty in the United Kingdom?

13:13:33 15 A. I'm not sure.

13:13:37 16 Q. Okay. All right. And just to clarify, you
13:13:40 17 said this before. But you did not put in a request for
13:13:43 18 a correction to the newspaper at any time?

13:13:47 19 A. Not at this time. I was told not to do that
13:13:50 20 right now.

13:13:52 21 ATTORNEY KNUDSEN BURKE: Very good.
13:13:53 22 Thank you, Your Honor. I have nothing further.

13:13:54 23 THE COURT: All right. Redirect.

13:13:55 24 ATTORNEY POKRIFKA: Just a few
13:13:57 25 questions, Your Honor.

13:13:58 1

THE WITNESS: Yes, ma'am. I'm sorry.

13:13:59 2

* * *

13:13:59 3

REDIRECT EXAMINATION

4

BY ATTORNEY POKRIFKA:

13:14:01 5

Q. Mr. Garcia, this photograph that has been

13:14:02 6

marked as Respondent's 1, does this identify any

13:14:06 7

clients?

13:14:06 8

A. No clients, no markings whatsoever. That's

13:14:09 9

why I was given permission to go ahead and post this

13:14:12 10

up.

13:14:12 11

Q. Is this part of the 128, 129 pages --

13:14:15 12

A. No, ma'am, not at all.

13:14:22 13

Q. Was this part of the 128 pages or part of the

13:14:27 14

photographs in that document?

13:14:28 15

A. No, ma'am.

13:14:29 16

Q. The video, part of the video, was any of that

13:14:33 17

part of the 128?

13:14:35 18

A. No, ma'am, not at all.

13:14:36 19

Q. Okay. Did that video at all identify a

13:14:40 20

location?

13:14:41 21

A. No, ma'am, not at all.

13:14:41 22

Q. Did it identify any of your clients?

13:14:44 23

A. No, ma'am, not at all.

13:14:44 24

Q. Does every photograph that you have in this

13:14:47 25

document identify customers?

13:14:49 1

A. Yes.

13:14:50 2

Q. There was some discussion about the fact --

13:14:59 3

let me strike that. That video, part of the video we

13:15:06 4

looked at --

13:15:06 5

A. Yes, ma'am.

13:15:06 6

Q. -- does that identify any services,

13:15:11 7

instruction, or training that you provide to York

13:15:13 8

County?

13:15:13 9

A. None whatsoever. And for the record, there

13:15:18 10

were three police officers in that who had nothing to

13:15:20 11

do with the corrections. That's why we used them.

13:15:26 12

Q. And you had permission to use any facility

13:15:29 13

that you might then later post a video of?

13:15:31 14

A. That is correct.

13:15:32 15

Q. There was some questions to you today with

13:15:47 16

regard to whether or not you asked for a retraction,

13:15:50 17

whether or not you've asked for corrections in the

13:15:52 18

newspaper. I have to ask you, do you care what the

13:15:55 19

public thinks?

13:15:57 20

A. No, ma'am, I do not.

13:15:58 21

Q. What is your -- what was the reason or who do

13:16:03 22

you care about with regard to your reputation? who

13:16:07 23

does that matter to you?

13:16:08 24

A. Every man and woman officer who works inside

13:16:12 25

that facility to the -- the prison board, those that

13:16:17 1 put their trust in me. Those are the people that I owe
13:16:20 2 the explanation to. Those are the ones that put the
13:16:22 3 trust in me.

13:16:23 4 Q. You feel like you cleared that up with them?

13:16:25 5 A. Very much so.

13:16:27 6 ATTORNEY POKRIFKA: That's all I have,
13:16:28 7 Your Honor.

13:16:28 8 THE COURT: Recross.

13:16:29 9 * * *

13:16:29 10 RE CROSS-EXAMINATION

11 BY ATTORNEY KNUDSEN BURKE:

13:16:31 12 Q. You testified on direct examination that what
13:16:34 13 you perceive to be unfair coverage of you harmed your
13:16:38 14 reputation and that you were concerned about it,
13:16:42 15 concerned about your reputation in general.

13:16:50 16 A. I'm sorry, ma'am. What is the question?

13:16:51 17 Q. On direct examination you talked about harms
13:16:54 18 to you.

13:16:55 19 A. Yes, ma'am.

13:16:55 20 Q. Harms of this newspaper article and you
13:16:57 21 included potential, you know, people who would come to
13:17:02 22 you for business, as well as others. So you're saying
13:17:05 23 now that it is just officers and the York County Prison
13:17:09 24 Board that you care about?

13:17:10 25 A. Those aren't the only people that I care

13:17:13 1

about.

13:17:15 2

Q. With regard to this topic of whether or not there is information that you think is not true about your work history.

13:17:23 4

13:17:24 5

A. I care about my father, what he knows about me, what he hears, what he reads.

13:17:27 6

13:17:29 7

Q. How is your dad doing? I heard he was dying.

13:17:31 8

A. He's on hospice.

13:17:34 9

Q. Okay. I'm sorry.

13:17:34 10

A. He's on hospice right now. That's part of the salacious things that have been written about me. I care about him. I care about my children.

13:17:38 11

13:17:41 12

13:17:48 13

Q. Do you care about the York County taxpayers who are paying for your salary? Do you care that they know about your qualifications and work history?

13:17:50 14

13:17:53 15

13:17:55 16

A. I care about every individual that comes into or out of that prison that they don't get abused or hurt, that they are treated fairly, that they are treated appropriately, and that not one person, not one officer ever uses excessive use of force.

13:17:59 17

13:18:02 18

13:18:05 19

13:18:08 20

13:18:11 21

Q. And you're aware that there is a pending federal civil rights suit in the US District Court for the Middle District of Pennsylvania alleging that your practices contributed to an unsafe atmosphere?

13:18:13 22

13:18:16 23

13:18:18 24

13:18:21 25

ATTORNEY POKRIFKA: I'm going to object,

13:18:23 1 Your Honor. Again, I'm not understanding the relevance
13:18:27 2 to --

13:18:29 3 ATTORNEY KNUDSEN BURKE: He just
13:18:30 4 testified that he ensures there is a safe workplace.
13:18:32 5 He --

13:18:32 6 THE COURT: That's not what he said. He
13:18:33 7 testified that he cares about the safety --

13:18:35 8 ATTORNEY KNUDSEN BURKE: That's true.

13:18:36 9 THE COURT: -- of every individual that
13:18:37 10 comes in there.

13:18:37 11 ATTORNEY KNUDSEN BURKE: I think it is
13:18:38 12 directly relevant to his last statement.

13:18:42 13 ATTORNEY POKRIFKA: Your Honor, I
13:18:43 14 would disagree.

13:18:45 15 THE COURT: Anything else?

16 BY ATTORNEY KNUDSEN BURKE:

13:18:48 17 Q. Mr. Garcia, has your curriculum vitae ever
13:18:51 18 been provided to any other government entity in the
13:18:54 19 United States or abroad?

13:18:56 20 A. It has.

13:18:57 21 Q. And has that ever been provided publicly or
13:19:00 22 is it always classified?

13:19:01 23 A. It is always classified. And if it has been
13:19:04 24 made public, I have no -- I have not been made aware
13:19:08 25 about it.

13:19:08 1 ATTORNEY KNUDSEN BURKE: Thank you. I
13:19:09 2 have no further questions.
13:19:10 3 THE COURT: Thank you, sir. You can
13:19:11 4 stand down.
13:19:11 5 THE WITNESS: Thank you very much, sir.
13:19:13 6 Do I leave this here?
13:19:15 7 THE COURT: Yes. We will take care of
13:19:16 8 it. All right. So we admitted Respondent's 1. We
13:19:22 9 admitted Respondent's 3. We have not addressed
13:19:24 10 Respondent's 2. Let's address that and then we will
13:19:27 11 move to the Petitioner's documents.
13:19:28 12 ATTORNEY KNUDSEN BURKE: Thank you, Your
13:19:29 13 Honor. That is what I had on the list as well.
13:19:31 14 Respondent's Exhibit 2 is the South Carolina Criminal
13:19:35 15 Justice Academy certification. And the witness was
13:19:40 16 questioned particularly about the fourth page which was
13:19:45 17 Spartanburg County Sheriff's Office. Writing a letter
13:19:47 18 to -- I'm sorry. Spartanburg County Sheriff's Office
13:19:51 19 writing a letter to the South Carolina Criminal Justice
13:19:54 20 Academy. There was testimony on direct from witness
13:19:57 21 one indicating that he had made calls and verified the
13:20:01 22 employment history of Mr. Garcia. This document
13:20:08 23 goes -- which is a regularly conducted government
13:20:12 24 record and also for purposes of hearsay is not admitted
13:20:16 25 for the truth of the matter asserted but rather the

13:20:18 1 effect on the listener, witness one. We believe it
13:20:22 2 should be entered into evidence.

13:20:24 3 THE COURT: Can't be admitted as the
13:20:26 4 effect on the listener of witness number one because he
13:20:29 5 testified he never knew about it.

13:20:31 6 ATTORNEY KNUDSEN BURKE: True. But he
13:20:32 7 did talk to the South Carolina Criminal Justice Academy
13:20:37 8 person. I forget what name he said that was.

13:20:41 9 ATTORNEY POKRIFKA: I believe
13:20:42 10 questioning was related specifically to the letter out
13:20:45 11 of Spartanburg. I would object to the entire other
13:20:48 12 pages. They weren't even identified. And on cross
13:20:53 13 exam or redirect, the witness indicated he never spoke
13:20:58 14 to anybody at Spartanburg. His testimony was that he
13:21:00 15 talked to somebody in Charleston.

13:21:02 16 THE COURT: So with respect of it being
13:21:04 17 a business record, it may very well be a business
13:21:06 18 record but I've not heard from the custodian and that
13:21:09 19 requirement has not been waived; is that correct?

13:21:11 20 ATTORNEY KNUDSEN BURKE: You have not
13:21:12 21 heard from the custodian.

13:21:13 22 THE COURT: All right. So with respect
13:21:14 23 to a self-authenticated document, government records
13:21:22 24 can be self-authenticating but they have to be sealed
13:21:26 25 and a signature purporting to be the executioner

13:21:30 1 attestation as part of that seal. I don't believe I
13:21:36 2 see that anywhere in the document. Am I missing it?

13:21:38 3 ATTORNEY KNUDSEN BURKE: No, Your Honor.

13:21:39 4 THE COURT: Okay. So I believe that
13:21:42 5 that requires me to not admit Exhibit No. 2. It has
13:21:48 6 not been properly authenticated. What I am going to do
13:21:50 7 is make it part of -- while it is not being admitted
13:21:54 8 for purposes of the record, I'm going to make it a part
13:21:57 9 of the Prothonotary's file in case there is an
13:21:59 10 exception to my ruling on that so that the appellate
13:22:02 11 court has that document to review as part of their
13:22:05 12 analysis.

13:22:06 13 ATTORNEY KNUDSEN BURKE: Thank you, Your
13:22:07 14 Honor. And just to clarify, one and three are in?

13:22:10 15 THE COURT: Yes.

13:22:10 16 ATTORNEY KNUDSEN BURKE: Thank you.

13:22:11 17 THE COURT: All right.

13:22:12 18 ATTORNEY KNUDSEN BURKE: If it makes it
13:22:13 19 easier for the County's exhibits, I think we do not
13:22:18 20 have any objection to any of them except for G. I've
13:22:22 21 lost G. G is the final exhibit they presented.

13:22:26 22 THE COURT: Correct. It is an e-mail.
13:22:28 23 So we have no objection to A and F. I'm going to admit
13:22:30 24 them. Let's deal with G. What is the nature of the
13:22:33 25 objection?

13:22:36 1 ATTORNEY KNUDSEN BURKE: Your Honor, I
13:22:38 2 think that this could come in as a regularly conducted
13:22:42 3 activity business record. However, we don't have -- we
13:22:46 4 have counsel here and would she take the stand, I think
13:22:50 5 she could authenticate it. It puts her in a bit of an
13:22:53 6 awkward position. But either we could have Mr. Garcia
13:22:56 7 as the sender testify to its authenticity or Ms.
13:23:01 8 Pokrifka testify to its authenticity and be subject to
13:23:03 9 cross-examination. We have had neither. So I object
13:23:07 10 to G simply on authentication grounds. And it appears
13:23:13 11 that there is other information that isn't included in
13:23:18 12 here. So that's the basis of the objection.

13:23:22 13 ATTORNEY POKRIFKA: Your Honor, I
13:23:22 14 believe that's two different basis that they believe.
13:23:25 15 But as far as the authentication, he did indicate that
13:23:27 16 he specifically sent that e-mail to my attention on the
13:23:30 17 date as indicated.

13:23:32 18 THE COURT: I believe that he did. So
13:23:36 19 my recollection is that he specifically testified with
13:23:42 20 respect to what I'll call the first paragraph, first
13:23:44 21 two sentences. Refresh my recollection as to the
13:23:49 22 second paragraph.

13:23:52 23 ATTORNEY POKRIFKA: Second paragraph
13:23:54 24 related to the fact that he includes that
13:23:59 25 confidentiality requirement on the top of his

13:24:02 1 documents, particularly the CV and why wouldn't
13:24:07 2 that -- so why wouldn't that protect him?

13:24:10 3 So it really relates back to the Zoom
13:24:14 4 conference that we had where we all figured out that
13:24:17 5 that other document was unable to be opened and that it
13:24:20 6 had included Exhibit E in it.

13:24:24 7 THE COURT: So here is what I'm going to
13:24:27 8 do. I'm going to admit G as far as the date goes, the
13:24:30 9 salutation, and the first paragraph. The second
13:24:33 10 paragraph is really immaterial anyway. But I don't
13:24:43 11 recall there being testimony from him authenticating
13:24:46 12 that part while maybe the entire e-mail could be
13:24:49 13 authenticated again. I'm just going to strike the
13:24:52 14 second paragraph of Exhibit G and admit the remainder
13:24:56 15 of it.

16 (Petitioner's Exhibits A through G were
13:24:59 17 admitted.)

13:24:59 18 THE COURT: Okay. Counsel, I believe
13:25:03 19 the last thing we have to discuss is the briefing
13:25:04 20 schedule.

13:25:05 21 ATTORNEY POKRIFKA: Yes, Your Honor.

13:25:06 22 THE COURT: So first to be clear, I know
13:25:08 23 you all are going to want transcripts. Let's talk
13:25:10 24 about the time from when you receive the transcript for
13:25:13 25 your brief. Let's not try to guess as to how long it

13:25:16 1 will take those to be or that to be produced.

13:25:21 2 ATTORNEY KNUDSEN BURKE: I believe the

13:25:22 3 County will go first as the Petitioner here for their

13:25:29 4 first brief.

13:25:31 5 ATTORNEY POKRIFKA: Yes. Yeah.

13:25:32 6 THE COURT: Okay. So from the time you

13:25:33 7 obtain the transcript, how long would you like?

13:25:35 8 ATTORNEY POKRIFKA: Thirty days.

13:25:37 9 ATTORNEY KNUDSEN BURKE: We will take 30

13:25:38 10 days after their brief.

13:25:39 11 THE COURT: Okay. And do you want the

13:25:41 12 ability to file a reply brief or are you satisfied?

13:25:45 13 ATTORNEY POKRIFKA: I don't want to file

13:25:46 14 a reply brief.

13:25:48 15 THE COURT: Okay.

13:25:49 16 ATTORNEY POKRIFKA: If something, you

13:25:51 17 know, unexpected happens, Your Honor, I will contact

13:25:54 18 counsel and we can ask to speak with you.

13:25:57 19 THE COURT: Okay. Then let me do an

13:26:00 20 order setting a briefing schedule.

13:26:06 21 ATTORNEY POKRIFKA: I apologize. My

13:26:08 22 client did have to leave. He was feeling ill.

13:26:11 23 THE COURT: That's fine.

13:26:12 24 ATTORNEY KNUDSEN BURKE: Your Honor,

13:26:13 25 before you enter that briefing schedule, I did want to

13:26:16 1 just renew our request for in camera review of that
13:26:22 2 129 pages.

13:26:24 3 ATTORNEY POKRIFKA: Your Honor, we have
13:26:27 4 objected to that because I believe that the initial --
13:26:33 5 I believe that the initial question before the Court is
13:26:36 6 whether or not really the request has been fulfilled.
13:26:39 7 And, number two, if we even get to the 129-page
13:26:43 8 document, I think there needs to be a determination
13:26:45 9 whether or not that would be a public record before we
13:26:50 10 would even get to the confidentiality and other
13:26:53 11 arguments.

13:26:53 12 THE COURT: Here is how I'm going to
13:26:55 13 handle this. I'm not ruling it out. Let me deal with
13:26:56 14 the other issues, and I reserve the right to just issue
13:27:01 15 an order directing that I'm going to perform an in
13:27:04 16 camera review, again, if we get to that point.

13:27:07 17 ATTORNEY POKRIFKA: Okay. Thank you.

13:27:08 18 ATTORNEY KNUDSEN BURKE: Thank you.

13:27:09 19 THE COURT: All right. So let's do an
13:27:10 20 order setting briefing schedule.

13:27:11 21 AND NOW, this 3rd day of June, 2022, the
13:27:14 22 parties have appeared before the Court to complete the
13:27:18 23 record in this matter. The parties have requested the
13:27:22 24 opportunity to file briefs in support of their various
13:27:26 25 arguments. Accordingly, we direct the County to file

13:27:32 1 their brief within 30 days after receipt of the
13:27:36 2 official transcript in this matter.

13:27:43 3 Are you listed as the Plaintiff?

13:27:44 4 ATTORNEY BURKE: We are Respondent.

13:27:46 5 THE COURT: Respondent shall file their
13:27:49 6 brief within 30 days following the filing of the
13:27:56 7 County's brief. Should any briefing be required after
13:28:01 8 that, any party may request the opportunity to do so.
13:28:07 9 By the Court.

13:28:08 10 ATTORNEY POKRIFKA: Thank you, Your
13:28:09 11 Honor.

13:28:09 12 ATTORNEY KNUDSEN BURKE: Thank you, Your
13:28:10 13 Honor.

13:28:11 14 THE COURT: Thank you, everyone.
13:29:15 15 Exhibit 3, I'm going to need a copy of the video.

13:30:28 16 (The proceedings concluded.)

17

* * *

18

19

20

21

22

23

24

25

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause, and that this copy is a correct transcript of the same.

Sherri A. Reitano

Sherri A. Reitano, RPR
Official Court Reporter

	164 [7] - 3:4, 3:5, 3:6, 3:7, 3:8, 3:9, 3:10 17 [2] - 3:7, 13:25 18 [1] - 13:12 19th [1] - 80:3 1st [2] - 57:24, 57:25	167:15 30 [4] - 83:10, 165:9, 167:1, 167:6 31 [2] - 104:2, 104:4 31st [2] - 27:24, 63:15 34 [1] - 2:6 3rd [2] - 91:25, 166:21	able [34] - 5:22, 9:7, 15:9, 22:16, 22:21, 23:1, 23:16, 23:19, 24:2, 26:23, 27:2, 28:15, 31:14, 31:22, 47:4, 49:18, 49:22, 64:2, 64:18, 72:7, 72:8, 90:7, 93:12, 93:14, 94:19, 108:21, 107:17, 108:2, 108:24, 136:16, 140:1, 144:22, 152:23 abroad [1] - 159:19 absolute [1] - 146:14 absolutely [3] - 71:1, 71:13, 102:2 abused [1] - 158:17 academy [1] - 60:7 Academy [3] - 160:15, 160:20, 161:7 accepting [2] - 69:25, 94:7 accepts [1] - 139:4 access [8] - 24:3, 30:11, 31:16, 70:23, 72:19, 95:7, 103:19, 128:2, 137:20 accessed [1] - 107:19 accessibility [3] - 23:21, 89:11, 90:13 accessible [1] - 89:11 accompanying [1] - 110:6 accomplish [1] - 76:5 accomplishments [1] - 114:5 according [4] - 10:16, 76:15, 88:25, 114:3 accordingly [1] - 166:25 accurate [4] - 105:22, 125:18, 128:11, 129:7 accurately [1] - 168:4 achieve [4] - 119:22, 119:24, 121:10, 121:25 achieved [2] - 121:24, 124:7 achievement [1] - 120:9 acronym [1] - 102:6 acronyms [1] - 100:21 Act [2] - 8:5, 60:15 acting [1] - 101:12 action [4] - 65:7, 74:2, 74:4, 137:15 active [2] - 98:2, 140:21	activity [1] - 163:3 actual [3] - 7:19, 28:3, 68:19 add [2] - 83:8, 115:21 addition [1] - 70:5 additional [8] - 20:23, 66:13, 66:16, 68:5, 110:14, 117:23 additionally [3] - 60:13, 72:15, 100:1 address [4] - 8:9, 8:12, 65:22, 160:10 addressed [1] - 160:9 adequately [1] - 110:7 adjectives [1] - 115:6 adjudication [1] - 109:8 administrator [1] - 144:23 admissibility [1] - 42:17 admissible [1] - 9:11 admission [4] - 128:19, 141:22, 142:8, 142:15 admit [6] - 129:9, 142:16, 162:5, 162:23, 164:8, 164:14 ADMITTED [2] - 3:3, 3:12 admitted [8] - 129:14, 142:24, 160:8, 160:9, 160:24, 161:3, 162:7, 164:17 Adobe [2] - 88:15, 122:15 advance [3] - 79:21, 125:10, 136:15 affect [2] - 109:22, 109:25 affidavit [1] - 104:22 affiliation [1] - 77:1 afternoon [1] - 109:3 agencies [15] - 19:19, 25:13, 26:25, 69:25, 70:17, 70:19, 83:20, 83:23, 85:1, 97:11, 98:19, 124:23, 125:6, 148:9, 149:11 Agency [1] - 47:15 agency [41] - 14:19, 66:23, 68:11, 68:14, 69:5, 69:9, 69:18, 70:8, 73:16, 73:22, 73:23, 74:2, 78:16, 79:3, 82:13, 83:24, 84:1, 87:1, 87:3, 87:4, 87:6, 87:9, 91:9, 93:5, 95:11,				
'21 [1] - 85:20								
1	2	4						
1 [11] - 3:13, 80:21, 124:9, 126:4, 126:24, 128:20, 129:10, 129:13, 138:5, 155:6, 160:8 100 [2] - 67:4, 92:24 11 [3] - 2:5, 81:1, 126:13 112 [1] - 2:11 12 [8] - 3:4, 7:15, 12:18, 81:3, 122:1 120 [1] - 130:18 120-some [1] - 49:19 126 [1] - 3:13 128 [15] - 21:20, 66:5, 69:14, 75:5, 83:16, 84:17, 102:13, 106:9, 108:1, 131:13, 131:17, 139:11, 155:11, 155:13, 155:17 128-page [2] - 106:23, 134:7 129 [30] - 3:13, 7:16, 7:19, 7:21, 8:2, 8:22, 14:22, 15:7, 24:9, 24:10, 24:11, 24:14, 25:17, 30:11, 30:19, 31:8, 31:11, 38:5, 39:9, 58:11, 58:15, 60:14, 63:5, 66:8, 71:12, 72:3, 72:23, 83:19, 88:5, 95:7, 108:1, 111:22, 128:24, 129:2, 131:13, 131:17, 155:11, 166:2 129-page [18] - 17:6, 18:4, 18:17, 18:23, 21:25, 24:13, 31:4, 32:11, 32:17, 33:16, 37:4, 59:4, 60:22, 93:13, 94:18, 110:21, 111:1, 111:2, 166:7 12th [4] - 56:19, 57:6, 57:9, 66:9 13 [2] - 3:6, 81:3 133 [1] - 3:15 142 [1] - 7:20 155 [1] - 2:12 157 [1] - 2:13 16 [1] - 121:24 163 [1] - 3:15	2 [9] - 3:14, 41:18, 41:22, 42:3, 80:25, 124:9, 160:10, 160:14, 162:5 2.1 [1] - 148:23 20 [2] - 16:8, 122:15 2008 [1] - 70:22 2020 [8] - 13:12, 14:24, 15:2, 16:8, 36:3, 79:6, 79:8, 91:25 2021 [37] - 12:18, 12:19, 13:25, 16:2, 16:9, 17:5, 20:22, 33:16, 46:9, 47:15, 47:16, 56:19, 57:6, 66:10, 66:24, 69:12, 71:12, 75:2, 80:3, 81:18, 85:7, 85:8, 86:22, 87:1, 87:3, 87:4, 87:9, 93:4, 112:21, 114:10, 114:11, 114:13, 114:14, 114:20, 117:22, 125:22, 138:5 2022 [12] - 1:12, 4:1, 27:24, 30:3, 56:2, 57:24, 63:15, 89:16, 104:2, 104:4, 138:5, 166:21 2022-SU-000516 [1] - 1:5 21 [2] - 67:9, 113:1 219.3 [2] - 47:23, 113:1 23 [2] - 143:15, 143:19 24 [5] - 23:22, 24:2, 72:21, 89:13, 89:14 25th [1] - 106:1 27 [1] - 138:5 29 [5] - 3:8, 3:9, 69:14, 83:16, 102:13 290.2 [1] - 47:23	40 [1] - 83:10 41 [8] - 3:14, 104:8, 104:21, 106:6, 106:13, 106:14, 107:25, 125:16 42 [11] - 104:23, 106:15, 125:16, 125:17, 130:10, 132:25, 133:1, 133:3, 133:16, 149:5 43 [1] - 104:23 45 [1] - 108:24	506(d [5] - 73:20, 73:21, 73:24, 74:9, 74:13	6 [4] - 106:2, 121:24, 133:21, 135:8 62 [1] - 2:7	708 [1] - 8:5 76 [1] - 2:10 78 [1] - 3:5	8 [1] - 121:24	9 [2] - 75:5, 139:11 9/19/2021 [2] - 17:22, 46:12 9/21 [1] - 75:1 91 [1] - 3:10 9th [1] - 75:2	A-N [1] - 101:11 abilities [2] - 67:19, 115:13 ability [4] - 67:5, 92:25, 114:8, 165:12
	3	A						
	3 [10] - 1:12, 3:15, 4:1, 80:25, 133:19, 141:23, 142:16, 142:23, 160:9,							

<p>95:16, 95:18, 95:22, 97:2, 97:4, 97:15, 98:22, 99:4, 114:11, 122:1, 132:19, 150:10, 150:18, 150:19, 151:4, 151:8</p> <p>agent [1] - 132:8</p> <p>agents [2] - 92:6, 136:20</p> <p>ago [3] - 13:5, 109:1, 144:7</p> <p>agree [7] - 5:20, 6:11, 8:14, 37:19, 38:15, 71:24, 73:16</p> <p>agreed [1] - 94:10</p> <p>agreement [8] - 16:12, 16:17, 79:12, 79:14, 82:25, 83:2, 97:10, 97:13</p> <p>Agreement [2] - 3:5, 79:9</p> <p>ahead [10] - 35:14, 40:25, 41:20, 42:21, 73:10, 76:19, 103:13, 109:16, 140:7, 155:9</p> <p>allegation [1] - 154:13</p> <p>Allegheny [3] - 86:2, 102:3, 109:21</p> <p>alleging [2] - 115:12, 158:23</p> <p>allow [6] - 44:16, 54:6, 74:13, 95:13, 103:4, 138:14</p> <p>allowed [5] - 23:20, 42:15, 94:20, 95:4, 141:15</p> <p>allowing [1] - 71:4</p> <p>allows [5] - 73:21, 100:5, 100:8, 103:1, 103:4</p> <p>alone [1] - 145:21</p> <p>alternative [1] - 134:18</p> <p>altogether [1] - 84:17</p> <p>ambassador [1] - 121:9</p> <p>amended [1] - 75:13</p> <p>amount [2] - 124:7, 139:20</p> <p>analysis [1] - 162:12</p> <p>AND [1] - 166:21</p> <p>animal [1] - 117:19</p> <p>answer [3] - 53:23, 54:1, 141:1</p> <p>answered [8] - 36:20, 44:14, 129:9, 130:16, 131:5, 131:11, 131:16, 140:13</p>	<p>anyway [2] - 73:11, 164:10</p> <p>apart [1] - 5:24</p> <p>apologies [1] - 40:10</p> <p>apologize [3] - 78:3, 127:6, 165:21</p> <p>appeal [10] - 11:11, 63:7, 63:11, 63:14, 64:1, 66:15, 76:4, 77:7, 89:18, 107:9</p> <p>appeals [1] - 27:13</p> <p>appear [5] - 33:10, 97:18, 117:17, 134:25, 136:5</p> <p>APPEARANCES [1] - 1:15</p> <p>appeared [4] - 51:25, 112:19, 153:21, 166:22</p> <p>appearing [1] - 105:10</p> <p>appellate [1] - 162:10</p> <p>appended [2] - 113:4, 130:11</p> <p>applicants [1] - 68:15</p> <p>apply [1] - 70:10</p> <p>appreciate [2] - 74:15, 146:17</p> <p>approach [5] - 11:20, 11:25, 41:17, 70:8</p> <p>appropriate [8] - 71:3, 71:8, 73:25, 84:4, 84:22, 95:22, 99:23, 146:12</p> <p>appropriately [2] - 120:18, 158:19</p> <p>area [4] - 77:19, 96:25, 100:4, 103:15</p> <p>areas [1] - 96:22</p> <p>argue [2] - 73:6, 108:3</p> <p>argument [8] - 7:10, 8:19, 38:16, 69:6, 73:1, 74:16, 134:15, 135:2</p> <p>arguments [3] - 134:19, 166:11, 166:25</p> <p>article [16] - 21:8, 48:19, 49:7, 81:5, 81:8, 82:21, 84:6, 101:6, 101:9, 101:20, 101:22, 101:23, 151:18, 151:20, 154:5, 157:20</p> <p>articles [39] - 19:17, 19:22, 20:9, 48:8, 48:12, 48:13, 49:5, 50:8, 50:11, 50:24, 55:4, 59:22, 59:25, 60:2, 80:14, 80:15,</p>	<p>80:17, 81:19, 82:3, 82:8, 82:21, 83:8, 83:9, 83:10, 83:12, 84:15, 85:16, 85:18, 86:4, 90:24, 93:8, 101:5, 102:1, 109:19, 113:19, 115:1, 154:2, 154:8, 154:10</p> <p>asserted [2] - 94:2, 160:25</p> <p>assist [1] - 15:2</p> <p>Association [2] - 81:7, 101:8</p> <p>association [1] - 99:4</p> <p>assuage [2] - 81:22, 116:6</p> <p>assume [1] - 69:19</p> <p>assumed [3] - 19:11, 47:9, 48:2</p> <p>assuming [2] - 50:19, 134:17</p> <p>assumption [1] - 48:3</p> <p>assumptions [1] - 53:16</p> <p>atmosphere [1] - 158:24</p> <p>attach [2] - 96:13, 111:2</p> <p>attached [11] - 18:2, 23:15, 24:9, 78:20, 86:16, 87:14, 89:21, 99:1, 105:18, 123:6, 149:6</p> <p>attachment [8] - 24:13, 27:11, 29:8, 30:19, 75:7, 85:15, 91:15, 107:17</p> <p>attachments [7] - 18:3, 19:11, 56:11, 56:17, 75:2, 87:17, 88:22</p> <p>attempt [3] - 4:16, 5:22, 18:5</p> <p>attempted [1] - 18:14</p> <p>attend [1] - 103:14</p> <p>attending [1] - 130:20</p> <p>attention [4] - 44:9, 91:25, 129:17, 163:16</p> <p>attestation [3] - 107:3, 107:7, 162:1</p> <p>Attorney [14] - 2:5, 2:6, 2:7, 2:8, 2:10, 2:11, 2:12, 2:13, 6:12, 72:2, 108:7, 138:15, 153:16</p> <p>ATTORNEY [285] - 4:5, 4:9, 4:15, 4:25, 5:11, 6:11, 7:2, 7:17,</p>	<p>8:11, 9:1, 10:7, 11:3, 11:20, 11:23, 12:2, 12:6, 13:15, 13:19, 17:13, 18:9, 18:12, 18:13, 28:21, 28:23, 28:24, 29:3, 29:16, 31:25, 32:3, 33:2, 33:4, 33:5, 33:7, 33:8, 33:9, 33:25, 34:4, 34:9, 35:16, 35:20, 35:21, 35:24, 36:18, 36:24, 37:2, 37:6, 37:13, 37:20, 38:2, 38:15, 39:2, 39:4, 39:11, 40:4, 40:6, 40:15, 40:19, 41:5, 41:17, 41:23, 41:25, 42:4, 42:5, 42:10, 42:19, 42:21, 42:23, 43:2, 43:5, 43:8, 44:13, 44:18, 44:25, 45:2, 45:6, 45:22, 46:1, 46:3, 46:6, 50:20, 50:23, 51:6, 51:9, 51:10, 52:4, 52:11, 52:14, 53:3, 53:7, 53:15, 54:8, 54:11, 54:16, 56:21, 56:23, 56:25, 57:2, 57:3, 60:11, 60:17, 60:20, 61:4, 61:6, 62:13, 62:16, 62:20, 65:11, 65:14, 65:17, 66:18, 66:21, 68:7, 68:10, 68:25, 69:22, 70:16, 71:24, 73:13, 74:17, 74:24, 76:6, 76:8, 76:20, 76:24, 79:11, 88:21, 91:22, 93:18, 94:1, 94:9, 94:11, 103:10, 103:18, 103:22, 104:2, 104:3, 104:13, 104:15, 104:17, 104:24, 104:25, 105:1, 105:4, 105:7, 105:9, 105:12, 105:20, 105:23, 105:25, 106:5, 106:8, 106:10, 106:18, 107:4, 107:6, 107:12, 107:15, 107:23, 108:2, 108:8, 108:13, 109:4, 109:5, 109:7, 109:14, 109:17, 110:2, 110:11, 110:17, 110:18, 112:1, 112:4, 112:7, 115:23, 116:1,</p>	<p>117:6, 117:8, 117:9, 117:13, 117:16, 120:7, 120:10, 120:12, 120:13, 120:23, 121:2, 122:5, 123:19, 123:24, 123:25, 125:4, 125:9, 125:11, 126:5, 126:9, 126:12, 126:14, 126:17, 126:20, 127:4, 128:18, 128:22, 129:1, 129:15, 130:4, 130:15, 130:23, 131:4, 131:10, 131:24, 133:11, 133:20, 134:4, 134:8, 135:13, 135:17, 135:18, 138:9, 138:16, 139:3, 139:14, 140:8, 140:12, 141:5, 141:21, 142:3, 142:9, 142:25, 143:7, 143:12, 143:16, 143:18, 144:25, 147:14, 147:15, 152:3, 152:9, 152:11, 152:21, 152:25, 153:6, 153:9, 153:12, 153:14, 153:18, 153:20, 154:11, 154:21, 154:24, 155:4, 157:6, 157:11, 158:25, 159:3, 159:8, 159:11, 159:13, 159:16, 160:1, 160:12, 161:6, 161:9, 161:20, 162:3, 162:13, 162:16, 162:18, 163:1, 163:13, 163:23, 164:21, 165:2, 165:5, 165:8, 165:9, 165:13, 165:16, 165:21, 165:24, 166:3, 166:17, 166:18, 167:4, 167:10, 167:12</p> <p>authentic [3] - 128:16, 137:16, 140:2</p> <p>authenticate [8] - 9:4, 9:8, 126:6, 133:22, 136:16, 163:5</p> <p>authenticated [4] - 138:17, 161:23,</p>
--	---	--	--	---

162:6, 164:13 authenticating [3] - 138:12, 161:24, 164:11 authentication [3] - 134:1, 163:10, 163:15 authenticity [4] - 129:6, 135:15, 163:7, 163:8 author [1] - 127:7 authority [2] - 59:24, 96:24 authorization [1] - 96:8 authorized [1] - 61:12 automatic [1] - 149:17 available [7] - 9:15, 23:23, 68:4, 68:5, 68:16, 71:20, 74:21 award [4] - 120:4, 120:21, 121:4, 124:23 awarded [2] - 120:5, 120:14 awards [1] - 119:25 aware [30] - 11:10, 11:17, 12:23, 12:25, 13:3, 16:15, 27:16, 31:22, 43:18, 61:7, 61:18, 61:19, 62:4, 62:5, 63:7, 64:25, 65:6, 77:6, 77:8, 77:15, 77:22, 79:16, 81:24, 89:21, 91:1, 99:7, 136:1, 154:12, 158:21, 159:24 awkward [1] - 163:6	based [10] - 36:5, 42:16, 73:1, 73:8, 77:18, 90:21, 103:2, 117:21, 129:11, 136:17 basic [2] - 6:2, 111:11 basis [4] - 72:4, 105:16, 163:12, 163:14 battle [1] - 82:3 Beach [1] - 22:25 became [5] - 61:18, 64:25, 81:24, 89:21, 91:13 become [1] - 124:9 beginning [3] - 28:12, 118:9, 133:24 belabor [2] - 65:23, 112:14 believes [1] - 110:9 bench [1] - 39:20 benefit [2] - 31:3, 31:6 best [3] - 4:7, 75:1, 141:1 better [2] - 36:1, 126:10 between [4] - 13:1, 13:14, 85:7, 142:11 Betzko [1] - 8:18 BETZKO [1] - 143:15 bid [1] - 100:10 big [2] - 81:13, 88:14 bigger [1] - 106:2 biggest [1] - 148:19 birth [1] - 42:25 bit [14] - 4:22, 11:4, 20:21, 24:12, 36:1, 37:10, 39:17, 46:9, 58:13, 94:17, 109:24, 125:25, 126:10, 163:5 bite [1] - 146:11 black [2] - 104:8, 106:13 blazing [1] - 146:24 blind [1] - 144:1 blocks [2] - 136:8, 136:22 blood [1] - 103:7 board [12] - 13:2, 19:24, 81:23, 82:22, 84:5, 85:9, 86:6, 86:7, 102:5, 102:6, 156:25 Board [1] - 157:24 borrowed [1] - 148:3 bottom [2] - 80:20, 129:24 Bowling [1] - 70:11 box [2] - 145:20,	145:22 breaching [1] - 98:23 break [5] - 65:18, 65:19, 103:9, 103:11, 125:24 Break [1] - 65:20 bred [1] - 132:3 breeds [1] - 132:5 brief [11] - 5:8, 114:6, 132:1, 164:25, 165:4, 165:10, 165:12, 165:14, 167:1, 167:6, 167:7 briefing [9] - 4:13, 6:9, 7:11, 70:12, 164:19, 165:20, 165:25, 166:20, 167:7 briefs [1] - 166:24 bring [9] - 39:19, 86:1, 91:11, 95:12, 110:25, 112:25, 135:11, 141:15, 149:18 broad [5] - 24:23, 32:8, 68:20, 69:3, 69:10 broader [1] - 69:16 broadly [2] - 16:23, 130:17 brought [3] - 15:14, 44:9 browser [1] - 104:8 bunch [1] - 26:6 burden [5] - 69:17, 70:18, 71:1, 71:3, 71:6 Burke [8] - 1:16, 2:11, 2:13, 5:12, 6:12, 72:2, 108:7, 153:17 burke [1] - 5:12 BURKE [11] - 4:5, 5:11, 7:2, 9:1, 12:2, 13:15, 33:5, 33:8, 43:2, 45:2, 66:18, 66:21, 68:7, 68:10, 68:25, 69:22, 70:16, 73:13, 74:17, 74:24, 76:6, 93:18, 103:18, 103:22, 104:3, 104:13, 104:15, 104:17, 104:25, 105:4, 105:9, 105:20, 105:25, 106:5, 106:10, 107:4, 107:12, 108:8, 108:13, 109:5, 110:2, 112:4, 112:7, 115:23, 116:1, 117:8, 117:16, 120:12,	120:23, 121:2, 122:5, 123:24, 123:25, 125:4, 125:9, 125:11, 126:5, 126:9, 126:12, 126:14, 126:17, 126:20, 127:4, 128:18, 129:1, 129:15, 130:4, 130:23, 131:24, 133:11, 133:20, 134:8, 135:13, 135:17, 135:18, 138:9, 139:3, 139:14, 140:8, 140:12, 141:5, 141:21, 142:3, 142:25, 143:7, 143:12, 143:16, 143:18, 144:25, 147:14, 147:15, 152:9, 152:21, 153:6, 153:12, 153:18, 153:20, 154:11, 154:21, 157:11, 159:3, 159:8, 159:11, 159:16, 160:1, 160:12, 161:6, 161:20, 162:3, 162:13, 162:18, 162:18, 163:1, 165:2, 165:9, 165:24, 166:18, 167:4, 167:12 business [14] - 95:6, 100:11, 102:18, 102:21, 102:24, 106:22, 107:8, 115:12, 135:3, 150:24, 157:22, 161:17, 163:3 BY [60] - 11:3, 12:6, 13:19, 17:13, 18:13, 29:3, 29:16, 32:3, 33:9, 34:9, 35:24, 40:6, 41:5, 41:23, 42:23, 43:8, 44:18, 45:6, 46:6, 51:10, 52:14, 54:16, 57:3, 60:20, 61:6, 62:20, 76:24, 79:11, 88:21, 91:22, 94:11, 109:17, 110:18, 112:7, 116:1, 117:16, 121:2, 122:5, 123:25, 125:4, 125:11, 126:14, 126:20, 127:4, 129:15, 130:4, 131:24,	133:11, 135:18, 140:12, 141:5, 143:18, 144:25, 147:15, 152:9, 153:20, 154:11, 155:4, 157:11, 159:16 C C-1 [1] - 136:9 cabinet [4] - 31:13, 31:15, 61:3, 106:24 cadets [1] - 55:16 camera [7] - 7:14, 67:12, 131:1, 132:13, 139:9, 166:1, 166:16 cameras [1] - 147:19 canine [4] - 132:8, 132:9, 145:13, 146:7 canines [1] - 135:9 cannot [1] - 150:21 capability [4] - 67:5, 92:25, 100:12, 114:9 Capitol [1] - 8:17 captain [1] - 128:8 caption [2] - 10:9, 10:12 care [11] - 156:18, 156:22, 157:24, 157:25, 158:5, 158:12, 158:13, 158:14, 158:16, 160:7 cares [1] - 159:7 Carolina [11] - 35:11, 36:12, 36:16, 40:8, 40:10, 43:11, 64:7, 77:18, 160:14, 160:19, 161:7 carry [1] - 109:6 case [12] - 10:10, 38:20, 59:25, 63:4, 68:1, 70:12, 82:5, 98:18, 108:5, 110:4, 162:9 Case [1] - 1:9 cases [2] - 5:2, 6:14 caught [1] - 102:9 cell [4] - 17:1, 99:23, 136:8, 136:22 censored [1] - 148:8 center [3] - 35:12, 95:21, 95:22 Center [1] - 14:10 certain [9] - 30:17, 30:20, 38:11, 68:3, 84:23, 99:21, 99:25, 119:21, 119:23
--	--	---	--	---

certainly [5] - 7:8, 9:18, 40:4, 72:12, 115:9
certificates [11] - 22:2, 22:3, 25:20, 25:21, 26:9, 59:16, 59:18, 59:21, 60:6, 106:16, 125:17
certification [13] - 104:12, 118:4, 118:6, 119:5, 120:4, 122:8, 122:24, 123:7, 123:15, 124:1, 124:4, 160:15
certifications [8] - 99:13, 118:21, 119:3, 119:9, 119:11, 120:22, 121:12, 125:5
certified [2] - 6:3, 103:24
certify [1] - 168:3
cetera [1] - 66:11
change [2] - 79:1, 79:2
changing [1] - 70:22
channels [1] - 134:24
chaos [1] - 145:17
characterization [2] - 50:5, 153:23
charge [1] - 16:20
Charles [2] - 1:17, 5:14
Charleston [8] - 35:11, 36:12, 40:9, 40:10, 41:8, 42:14, 64:7, 161:15
chatted [1] - 110:12
chatting [1] - 4:22
check [19] - 14:8, 14:9, 14:16, 14:17, 15:2, 15:24, 20:23, 21:4, 21:11, 21:16, 34:18, 38:7, 48:16, 48:24, 48:25, 49:4, 49:9, 55:6, 55:17
checked [2] - 34:15, 45:7
checking [1] - 16:21
checks [1] - 79:18
child [2] - 82:3, 82:4
children [1] - 158:12
choice [1] - 89:13
Chuck [2] - 43:14, 43:15
circumstances [1] - 70:25
cite [2] - 70:13, 70:15
citizens [1] - 71:4
civil [1] - 158:22

claimed [1] - 48:19
claiming [2] - 115:19, 143:3
clandestine [1] - 98:15
clarification [1] - 35:17
clarify [7] - 39:12, 104:19, 131:14, 140:23, 144:4, 154:16, 162:14
classified [30] - 25:6, 26:4, 26:21, 51:23, 52:2, 52:7, 52:8, 52:16, 52:21, 53:9, 64:18, 64:23, 80:19, 96:2, 96:17, 96:24, 97:23, 98:10, 99:17, 103:3, 125:17, 150:2, 150:5, 150:8, 150:9, 151:3, 151:9, 151:11, 159:22, 159:23
Classified [10] - 47:16, 66:24, 86:22, 112:21, 113:12, 114:9, 114:14, 114:19, 117:22, 125:22
clause [1] - 151:2
clauses [1] - 97:14
clear [23] - 21:13, 21:14, 37:23, 42:10, 48:11, 48:23, 49:3, 59:11, 62:8, 63:2, 68:21, 69:9, 70:7, 75:20, 91:13, 108:5, 108:17, 108:19, 110:15, 115:24, 120:8, 120:25, 164:22
clearances [1] - 21:6
cleared [1] - 157:4
clearly [3] - 66:8, 72:3, 134:13
click [1] - 23:16
client [11] - 5:16, 8:15, 84:1, 86:23, 98:5, 102:15, 102:19, 103:3, 111:10, 165:22
clients [8] - 97:7, 99:8, 102:25, 103:2, 103:5, 155:7, 155:8, 155:22
climbing [1] - 145:20
close [4] - 45:4, 83:10, 144:15, 144:18
closed [1] - 76:4
closer [1] - 11:4

co [1] - 5:14
co-counsel [1] - 5:14
cognizant [1] - 125:25
collaborating [1] - 81:25
colleague [3] - 5:22, 34:13, 146:22
colloquy [2] - 9:10, 135:14
Columbia [1] - 40:8
combination [1] - 86:23
comfortable [1] - 109:10
coming [3] - 101:1, 121:15, 138:6
commander [9] - 11:9, 12:20, 12:23, 63:1, 88:7, 96:12, 98:20, 101:24, 111:9
Commander [31] - 12:7, 27:25, 28:18, 52:5, 53:16, 67:2, 79:18, 80:3, 81:18, 81:22, 82:6, 84:4, 84:20, 85:3, 85:20, 85:23, 86:14, 87:19, 89:5, 89:18, 90:3, 92:11, 92:18, 92:21, 93:12, 93:23, 94:13, 94:19, 100:25, 106:24, 109:20
commanders [1] - 98:9
comment [5] - 72:6, 82:11, 82:12, 82:24, 115:14
commercial [1] - 102:14
Commissioner [2] - 67:3, 92:23
commissioner [1] - 92:23
commissioners [1] - 85:9
COMMON [1] - 1:1
Commonwealth [2] - 69:24, 74:5
communication [1] - 42:14
communications [1] - 43:10
community [4] - 100:2, 102:11, 119:17
company [14] - 45:16, 45:18, 55:13, 102:20, 118:12, 118:24, 120:14, 121:8, 124:6,

129:20, 130:7, 132:8, 135:19, 136:21
compare [1] - 22:13
compelled [3] - 82:11, 85:14, 101:24
competitive [1] - 100:3
competitor [3] - 100:7, 137:17, 138:7
competitors [2] - 100:7, 103:5
complete [4] - 38:5, 80:12, 121:16, 166:22
completed [1] - 121:21
completely [5] - 21:13, 21:14, 27:11, 64:4, 93:9
completion [2] - 119:25, 121:5
compiled [1] - 72:22
comply [1] - 65:9
computer [3] - 30:14, 61:25, 126:11
concern [4] - 22:4, 38:9, 81:22, 151:19
concerned [13] - 21:12, 22:8, 22:9, 22:22, 48:8, 48:12, 48:13, 48:14, 49:1, 49:5, 109:21, 157:14, 157:15
concerning [1] - 38:22
concerns [5] - 33:17, 33:18, 37:23, 37:25, 55:18, 116:6
concluded [1] - 167:16
condition [4] - 16:13, 72:11, 72:13, 79:24
conducted [3] - 14:8, 160:23, 163:2
Conference [1] - 1:9
conference [9] - 27:14, 27:20, 57:12, 63:10, 63:17, 84:21, 87:18, 109:2, 164:4
conferred [1] - 153:17
confidence [2] - 67:5, 92:24
confidential [24] - 8:1, 9:22, 17:25, 25:5, 26:3, 26:9, 26:21, 31:20, 32:5, 52:16, 52:17, 52:21, 53:10, 54:22, 71:16, 73:10, 95:9, 99:10, 99:17, 135:3, 139:19,

142:12, 143:1, 152:16
confidentiality [18] - 29:11, 30:5, 31:19, 32:13, 53:14, 78:12, 78:14, 78:20, 87:12, 90:10, 90:15, 97:11, 102:16, 105:18, 163:25, 166:10
confirm [2] - 23:1, 50:3
confirmation [1] - 44:17
confirmed [1] - 22:1
confused [1] - 120:3
confusion [3] - 120:20, 121:1, 121:15
connection [1] - 138:11
consider [5] - 75:10, 75:18, 106:14, 141:17
consideration [2] - 8:25, 53:21
considered [1] - 144:1
considering [2] - 4:17, 75:10
constructed [1] - 108:21
consumption [2] - 52:22, 132:22
contact [4] - 35:2, 57:17, 107:10, 165:17
contacted [1] - 14:7
contacting [1] - 70:2
contacts [2] - 15:4, 23:8
contain [1] - 143:24
contained [5] - 75:22, 123:5, 129:3, 154:13, 168:4
contains [2] - 22:2, 75:5
content [3] - 21:25, 50:3, 142:21
contents [2] - 8:2, 62:5
context [1] - 73:20
continue [1] - 98:3
continuing [1] - 102:12
Contract [2] - 3:6, 13:17
contract [40] - 13:7, 13:13, 13:21, 13:24, 14:1, 14:24, 16:2, 16:3, 16:8, 16:9, 16:14, 20:14, 20:16,

20:17, 20:19, 20:22,
20:24, 21:18, 24:17,
35:19, 36:2, 37:18,
51:13, 51:14, 51:15,
51:17, 55:15, 71:19,
72:12, 72:13, 77:2,
77:3, 79:6, 79:24,
85:4, 85:8, 111:24,
118:10, 149:12
contracted [2] - 59:20,
60:4
contractor [4] - 38:13,
68:12, 73:17, 73:19
contractors [1] - 70:4
contracts [5] - 12:25,
13:4, 25:16, 25:17,
25:18
contrast [1] - 27:3
contributed [1] -
158:24
control [1] - 146:14
conversation [3] -
87:20, 91:13, 94:13
conveyed [1] - 33:20
convoluted [2] - 6:14,
6:15
cookie [2] - 103:6,
103:11
copied [2] - 35:5, 36:9
copies [4] - 13:4,
32:17, 59:16, 126:16
copy [26] - 7:18,
12:15, 28:7, 28:9,
28:11, 28:16, 30:7,
30:10, 32:14, 58:11,
58:15, 59:3, 66:7,
66:10, 77:22, 78:19,
79:23, 80:6, 90:2,
90:4, 94:21, 94:23,
126:15, 127:5,
167:15, 168:6
core [1] - 100:12
corner [2] - 129:18,
136:10
Correct [1] - 162:22
correct [80] - 18:25,
20:13, 24:1, 25:20,
27:9, 30:4, 34:25,
36:3, 36:4, 36:13,
40:11, 41:9, 41:10,
47:10, 47:14, 48:6,
48:10, 48:17, 48:24,
49:12, 49:16, 50:9,
51:18, 51:21, 52:24,
55:7, 55:8, 55:19,
56:2, 56:3, 57:7,
57:8, 58:24, 58:25,
59:20, 60:4, 62:9,
63:8, 63:9, 63:12,
63:13, 63:17, 63:18,

64:5, 64:8, 64:9,
78:25, 83:15, 85:5,
85:6, 86:16, 89:25,
90:1, 91:15, 91:16,
95:24, 97:20, 97:21,
99:14, 99:15,
104:12, 107:22,
114:23, 115:23,
116:12, 117:19,
117:20, 118:11,
118:20, 123:4,
124:18, 125:23,
127:22, 130:8,
131:15, 132:1,
132:14, 141:13,
143:21, 146:16,
149:2, 150:3,
150:13, 150:17,
150:20, 153:24,
154:4, 156:14,
161:19, 168:6
corrected [1] - 23:12
correction [9] - 50:12,
50:25, 51:2, 51:5,
96:19, 98:13, 115:6,
115:9, 154:18
correctional [9] -
25:12, 133:14,
135:6, 135:10,
135:21, 136:12,
136:23, 136:25,
137:2
corrections [7] -
35:12, 77:17,
117:18, 130:25,
131:1, 156:11,
156:17
correctly [2] - 37:15,
60:1
cost [1] - 102:7
counsel [11] - 5:14,
5:20, 11:24, 46:10,
57:5, 58:21, 65:21,
67:16, 110:25,
163:4, 165:18
Counsel [1] - 164:18
counterfeited [1] -
138:2
country [2] - 25:2,
135:7
counts [1] - 150:9
county [4] - 95:21,
102:5, 115:11,
133:14
County [59] - 5:6, 6:7,
7:5, 7:9, 7:18, 11:8,
13:1, 13:14, 15:15,
19:3, 33:12, 41:13,
42:8, 50:18, 53:22,
59:19, 60:4, 60:8,

61:8, 62:9, 62:10,
62:22, 62:24, 63:3,
64:13, 66:2, 66:23,
67:17, 71:18, 71:19,
72:6, 75:3, 78:24,
79:5, 79:25, 85:4,
86:2, 90:16, 91:14,
102:3, 109:21,
111:24, 115:20,
116:4, 128:8, 133:6,
133:13, 134:18,
143:3, 148:20,
150:21, 150:23,
156:8, 157:23,
158:13, 160:17,
160:18, 165:3,
166:25
COUNTY [2] - 1:1, 1:8
County's [7] - 38:13,
67:10, 85:13, 96:19,
134:9, 162:19, 167:7
couple [3] - 42:13,
54:25, 149:25
course [10] - 6:5, 9:3,
9:9, 67:25, 119:21,
119:24, 120:1,
121:5, 122:2
courses [2] - 121:10,
121:16
court [4] - 71:10,
115:12, 115:19,
162:11
COURT [151] - 1:1,
4:4, 4:6, 4:10, 4:24,
5:10, 7:1, 8:7, 10:3,
10:11, 10:19, 10:22,
11:22, 11:24, 32:2,
34:2, 37:14, 38:9,
38:24, 39:3, 39:5,
39:22, 40:18, 40:23,
41:3, 41:20, 42:2,
42:15, 44:15, 45:5,
46:5, 50:22, 51:3,
51:7, 52:13, 53:19,
60:16, 60:19, 62:15,
65:13, 65:15, 65:19,
65:21, 66:20, 67:24,
68:9, 68:21, 69:16,
70:14, 74:15, 74:18,
75:24, 76:10, 76:18,
88:20, 93:24, 94:5,
103:9, 103:13,
103:17, 103:21,
104:11, 104:14,
104:16, 105:3,
106:4, 107:21,
107:24, 108:7,
108:10, 109:1,
109:9, 109:12,
109:15, 110:10,

110:15, 112:3,
115:21, 115:24,
117:11, 120:19,
120:25, 121:14,
121:20, 123:22,
124:11, 124:20,
124:25, 126:8,
126:11, 126:18,
126:23, 127:1,
127:3, 128:21,
129:4, 130:1,
130:20, 131:15,
131:20, 133:8,
135:11, 135:16,
138:15, 139:1,
139:8, 139:22,
140:1, 140:7,
140:11, 141:1,
142:7, 142:14,
143:5, 143:10,
144:20, 147:8,
147:11, 152:6,
152:18, 153:2,
153:10, 153:15,
154:7, 154:23,
157:8, 159:6, 159:9,
159:15, 160:3,
160:7, 161:3,
161:16, 161:22,
162:4, 162:15,
162:17, 162:22,
163:18, 164:7,
164:18, 164:22,
165:6, 165:11,
165:15, 165:19,
165:23, 166:12,
166:19, 167:5,
167:14
Court [35] - 1:25, 4:21,
5:21, 6:23, 7:14,
7:24, 8:24, 9:17,
11:7, 68:13, 69:24,
74:5, 75:9, 75:18,
78:8, 94:6, 102:16,
103:24, 106:20,
108:22, 127:12,
131:9, 134:6,
134:21, 139:4,
139:17, 139:18,
149:7, 152:14,
158:22, 166:5,
166:22, 167:9,
168:11
Court's [2] - 5:24,
27:24
courtroom [1] -
151:25
courts [1] - 71:2
cover [7] - 26:8, 67:1,
80:14, 80:18, 86:13,

114:7, 122:16
coverage [3] - 115:4,
153:23, 157:13
covered [1] - 44:7
covers [2] - 92:4
create [4] - 84:14,
95:15, 137:18,
137:24
created [5] - 9:6, 9:8,
104:5, 138:24,
145:22
creating [1] - 145:17
credentials [2] -
19:20, 27:3
credibility [1] - 153:8
Crime [1] - 14:10
crime [1] - 151:16
crimen [4] - 152:19,
152:24, 153:3, 153:4
Criminal [3] - 160:14,
160:19, 161:7
criminal [9] - 14:11,
20:25, 48:20, 49:5,
49:8, 151:21
criteria [1] - 41:14
cross [10] - 6:6, 9:2,
10:1, 34:3, 108:16,
108:18, 108:25,
112:3, 161:12, 163:9
Cross [2] - 2:6, 2:11
CROSS [2] - 34:8,
112:6
CROSS-
EXAMINATION [2] -
34:8, 112:6
cross-examination [3]
- 9:2, 34:3, 163:9
Cross-Examination
[2] - 2:6, 2:11
cross-examine [1] -
6:6
CSAU [35] - 13:2,
13:15, 14:3, 14:4,
14:18, 16:25, 17:1,
25:17, 32:9, 33:19,
33:22, 47:15, 66:23,
73:4, 77:1, 87:1,
87:9, 93:4, 114:14,
117:2, 118:8,
118:10, 119:2,
120:2, 120:14,
121:13, 122:19,
123:7, 123:11,
123:16, 124:16,
127:21, 129:22,
135:4, 150:12
CSAU1 [1] - 77:17
CSAW [4] - 12:22,
13:7, 13:14, 16:24
current [4] - 82:12,

<p>98:2, 119:3, 120:4 curriculum [16] - 8:21, 9:21, 12:15, 14:19, 16:4, 66:10, 67:7, 67:20, 69:2, 75:6, 77:16, 110:5, 113:21, 130:11, 159:17 curstory [1] - 44:10 custodian [2] - 161:18, 161:21 custody [2] - 82:3, 82:5 customers [3] - 97:8, 98:1, 155:25 cut [2] - 35:15, 65:24 CV [108] - 7:19, 7:24, 14:19, 27:15, 28:3, 28:11, 28:14, 29:17, 30:18, 32:20, 32:21, 32:24, 33:10, 37:3, 37:16, 37:22, 38:5, 38:18, 38:22, 39:1, 39:7, 39:9, 66:3, 66:4, 66:8, 68:13, 68:2, 68:4, 68:18, 71:13, 72:1, 73:7, 74:20, 74:23, 77:23, 78:10, 78:12, 78:19, 79:7, 79:15, 79:21, 79:23, 80:10, 80:12, 80:19, 80:23, 81:10, 81:17, 82:18, 83:4, 83:14, 83:17, 84:10, 85:14, 87:8, 87:10, 87:11, 87:20, 87:23, 88:1, 88:5, 88:6, 88:8, 89:21, 90:2, 90:5, 90:19, 91:10, 93:5, 104:10, 104:21, 105:16, 105:17, 105:19, 106:16, 107:1, 107:2, 110:21, 110:23, 111:1, 111:7, 111:15, 111:19, 112:16, 113:13, 113:15, 114:13, 114:16, 116:9, 116:19, 122:7, 123:6, 125:15, 131:3, 134:7, 134:10, 134:12, 134:14, 134:18, 139:5, 149:6, 164:1</p>	<p>dad [1] - 158:7 DAILY [1] - 1:6 Daily [1] - 59:23 damaging [3] - 101:2, 101:4, 102:12 Darren [5] - 106:12, 126:13, 140:8, 143:9, 143:13 data [1] - 98:25 date [10] - 12:17, 12:18, 13:11, 13:24, 17:21, 46:12, 57:6, 57:21, 163:17, 164:8 dated [1] - 105:25 DAVID [1] - 39:11 DAVY [53] - 18:9, 18:12, 28:21, 28:24, 33:2, 34:4, 34:9, 35:20, 35:24, 36:24, 37:6, 37:20, 38:15, 39:2, 39:4, 40:4, 40:6, 40:19, 41:5, 41:17, 41:23, 42:4, 42:10, 42:21, 42:23, 43:8, 44:18, 44:25, 45:6, 46:1, 46:6, 50:23, 51:6, 51:9, 51:10, 52:11, 52:14, 53:7, 54:8, 54:11, 54:16, 56:23, 57:2, 57:3, 60:17, 60:20, 61:4, 61:6, 62:13, 65:14, 104:2, 120:10, 153:14 Davy [6] - 1:17, 2:6, 2:8, 5:14, 34:5, 153:16 days [9] - 43:5, 72:16, 106:22, 107:7, 107:8, 165:8, 165:10, 167:1, 167:6 de [1] - 7:4 deal [7] - 10:5, 45:3, 102:8, 129:11, 135:16, 162:24, 166:13 deals [3] - 68:11, 71:22, 139:7 debunk [7] - 20:9, 22:21, 50:7, 84:11, 85:15, 93:14, 111:20 debunked [1] - 82:20 debunking [1] - 114:22 debunks [1] - 113:18 deceased [1] - 132:11 decide [1] - 37:11 decided [5] - 63:11, 73:12, 88:16, 111:7, 116:9</p>	<p>decision [4] - 37:17, 37:18, 66:5, 75:10 decisions [2] - 75:19 decorate [1] - 119:6 decoration [4] - 121:12, 122:13, 124:22 decorations [1] - 119:15 decorative [1] - 123:3 decoy [1] - 146:1 deem [1] - 31:20 deemed [3] - 8:4, 32:5, 99:17 defamatory [1] - 115:5 defamed [1] - 115:19 defaming [9] - 81:20, 82:21, 84:6, 93:9, 102:2, 154:1 defend [4] - 72:8, 82:7, 82:16, 82:17 Defendant [1] - 1:20 Defense [1] - 151:6 defined [1] - 69:2 definitely [1] - 131:18 definition [3] - 69:2, 73:8, 113:22 definitional [1] - 68:19 deliver [1] - 91:11 demonstrate [1] - 141:18 demonstrated [1] - 110:8 demonstrating [1] - 135:9 denied [1] - 105:15 department [7] - 19:3, 23:1, 83:23, 95:18, 95:19, 95:20, 98:13 Department [1] - 151:6 departments [1] - 98:11 depicted [2] - 96:9, 129:8 depiction [1] - 128:11 deputy [1] - 30:23 describe [4] - 16:24, 22:20, 86:20, 131:6 described [2] - 32:8, 63:16 description [1] - 141:14 descriptions [1] - 125:14 designated [1] - 134:10 designation [5] - 121:4, 122:18, 122:25, 125:3, 151:3</p>	<p>designations [3] - 124:13, 124:14, 124:16 designed [1] - 122:14 desk [1] - 103:20 despite [5] - 6:20, 31:18, 145:25, 148:21 detail [1] - 16:24 details [1] - 130:21 detention [2] - 95:21 determination [5] - 27:23, 53:23, 121:16, 152:24, 166:8 determine [9] - 6:23, 7:25, 9:17, 38:10, 52:7, 53:5, 74:1, 139:10, 139:17 dictate [1] - 116:16 difference [1] - 142:11 different [32] - 15:5, 19:19, 25:12, 27:12, 28:22, 40:5, 47:13, 47:21, 55:17, 56:10, 64:4, 83:22, 85:1, 87:5, 95:15, 96:21, 98:17, 102:10, 104:9, 106:8, 117:2, 117:9, 125:5, 129:5, 129:20, 131:6, 143:25, 147:23, 148:14, 163:14 difficult [2] - 74:25, 132:4 difficulty [1] - 125:12 dig [1] - 74:13 digest [1] - 6:10 direct [10] - 37:16, 38:1, 115:3, 116:25, 118:10, 151:22, 157:12, 157:17, 160:20, 166:25 DIRECT [2] - 11:2, 76:23 Direct [2] - 2:5, 2:10 directed [3] - 42:7, 42:8, 149:7 directing [1] - 166:15 directly [7] - 5:4, 32:10, 37:8, 73:4, 111:23, 138:6, 159:12 director [2] - 98:20, 118:20 Director [1] - 101:12 disagree [2] - 69:1, 159:14 disclose [3] - 99:3, 132:23, 151:9</p>	<p>disclosed [2] - 30:19, 30:22 disclosing [2] - 98:24, 132:25 disclosure [2] - 70:6, 84:4 discuss [5] - 102:19, 103:11, 107:10, 152:17, 164:19 discussed [1] - 63:11 discussing [1] - 87:22 discussion [3] - 42:18, 90:18, 156:2 dismissed [1] - 76:4 distraction [1] - 141:20 District [2] - 158:22, 158:23 division [1] - 12:20 DOC [2] - 23:3, 95:20 Doc [5] - 47:16, 66:24, 86:22, 112:21, 114:14, 114:20 doctor [1] - 68:1 document [110] - 12:9, 12:11, 13:9, 17:6, 17:9, 17:23, 18:1, 18:4, 18:17, 18:23, 18:24, 19:1, 19:7, 19:12, 22:1, 22:14, 23:25, 24:16, 24:19, 26:12, 27:12, 28:9, 28:20, 29:4, 29:12, 30:13, 31:4, 31:20, 32:11, 32:18, 33:16, 33:21, 37:4, 39:9, 42:16, 42:17, 42:24, 43:3, 43:12, 46:7, 47:6, 47:9, 49:19, 51:11, 52:10, 59:4, 60:22, 61:1, 64:3, 64:4, 71:18, 77:10, 77:13, 77:22, 78:17, 78:20, 80:19, 82:19, 83:7, 84:8, 84:10, 84:14, 84:19, 84:22, 87:12, 87:25, 89:22, 90:5, 92:4, 93:13, 94:18, 94:19, 97:23, 104:5, 105:13, 105:14, 105:17, 105:18, 106:9, 106:21, 106:23, 107:19, 108:4, 109:20, 110:21, 111:1, 111:2, 111:19, 112:18, 112:21, 113:7, 114:6, 114:14, 114:18, 116:13,</p>
<p>D</p>				
<p>D-a-v-y [1] - 34:6</p>				

125:22, 126:7,
127:8, 134:7,
155:14, 155:25,
160:22, 161:23,
162:2, 162:11,
164:5, 166:8
Document [8] - 3:8,
3:9, 3:13, 3:14, 29:1,
29:14, 41:21, 126:3
documentation [2] -
79:15, 110:14
documented [1] - 57:5
documents [48] -
14:8, 15:7, 15:19,
18:6, 18:15, 18:16,
23:15, 25:15, 25:19,
27:7, 28:4, 30:7,
30:25, 32:5, 38:11,
47:5, 47:12, 48:2,
49:21, 56:1, 66:2,
66:13, 66:16, 66:23,
66:25, 69:10, 69:19,
71:14, 72:19, 74:21,
74:22, 75:5, 75:21,
78:15, 84:9, 84:12,
91:18, 92:5, 95:15,
97:18, 99:12, 99:16,
107:21, 111:17,
113:18, 116:14,
160:11, 164:1
dog [18] - 73:21,
140:17, 140:18,
145:14, 145:17,
145:23, 145:24,
145:25, 146:2,
146:3, 146:5, 146:7,
146:23, 147:3,
147:4, 147:6, 148:24
dog's [5] - 141:19,
142:2, 142:4, 142:5,
147:3
dogs [13] - 130:25,
132:1, 132:9, 136:3,
141:25, 142:1,
143:20, 145:3,
145:20, 146:8,
146:10, 146:14,
147:16
done [13] - 38:7, 46:1,
60:2, 61:10, 75:25,
91:4, 100:6, 102:22,
116:10, 116:20,
136:4, 138:21,
145:10
doors [3] - 144:16,
144:18, 147:18
down [19] - 35:1, 35:5,
35:12, 36:9, 36:10,
37:10, 61:15, 61:17,
65:8, 65:15, 74:14,

101:15, 103:13,
106:11, 106:22,
125:10, 125:25,
152:16, 160:4
download [1] - 88:8
downloaded [1] -
138:4
dozen [1] - 145:1
Dragon [4] - 111:5,
116:11, 116:16,
116:17
due [1] - 21:8
duly [2] - 10:16, 76:15
duplicate [1] - 19:10
duplicative [2] -
44:16, 47:9
during [5] - 33:15,
56:9, 91:12, 143:19,
151:16
duty [1] - 70:1
dying [1] - 158:7
Dylan [2] - 5:16, 77:19
DYLAN [1] - 1:5
dyslexic [1] - 78:2

E

E-mail [4] - 3:7, 3:10,
17:11, 91:20
e-mail [37] - 17:18,
17:21, 17:24, 18:18,
23:14, 29:5, 29:7,
29:21, 46:14, 46:21,
46:23, 47:1, 47:2,
56:11, 56:13, 56:15,
57:10, 58:2, 58:5,
75:1, 80:3, 81:14,
86:14, 88:3, 88:10,
88:14, 89:25, 91:4,
91:17, 91:24, 92:2,
92:10, 116:2,
162:22, 163:16,
164:12
e-mailed [1] - 17:10
eagle [1] - 118:4
ears [1] - 147:5
easier [3] - 54:11,
122:17, 162:19
eat [1] - 103:6
eaten [1] - 88:18
echo [1] - 121:3
education [3] - 32:25,
99:14, 150:22
effect [2] - 161:1,
161:4
efficient [1] - 142:19
eight [1] - 88:6
either [1] - 8:24,
14:13, 59:24, 79:15,
83:10, 87:8, 88:15,

98:2, 106:7, 134:24,
163:6
election [2] - 4:18,
109:8
electronic [1] - 58:18
electronically [1] -
91:2
eligible [2] - 41:14,
44:22
employed [3] - 62:23,
113:19
employee [12] - 62:9,
62:10, 62:21, 62:22,
68:12, 68:14, 69:5,
73:17, 77:2, 77:3,
84:24, 118:10
employees [3] - 68:11,
73:16, 123:21
employer [1] - 150:12
employment [1] -
160:22
encompass [3] - 69:4,
69:13, 71:13
encompasses [1] -
67:10
encrypted [8] - 84:7,
88:23, 88:24, 89:2,
91:3, 91:5
end [4] - 27:22, 28:12,
58:5, 146:13
ended [1] - 39:24
engaged [1] - 38:19
ensures [1] - 159:4
enter [5] - 16:17,
23:19, 37:18,
143:20, 165:25
entered [12] - 13:1,
13:13, 13:22, 14:1,
16:3, 16:12, 20:19,
20:22, 20:24, 21:18,
79:12, 161:2
entering [3] - 24:17,
79:24, 85:4
entire [5] - 67:18,
85:13, 113:13,
161:11, 164:12
entitles [2] - 132:24,
148:15
entitled [1] - 125:22
entity [3] - 23:11, 73:9,
159:18
environment [1] -
148:24
equation [1] - 147:16
equivalent [1] - 98:22
err [1] - 70:5
escapes [1] - 5:18
Esquire [4] - 1:16,
1:17, 1:17, 1:19
essentially [1] - 35:5

establish [4] - 51:1,
134:2, 135:15, 143:2
established [1] -
138:10
establishes [1] -
121:23
et [1] - 66:11
evidence [5] - 9:14,
153:3, 153:11,
161:2, 168:4
evidenced [1] - 25:16
evidences [1] - 102:15
evolution [1] - 66:1
ex [3] - 81:25, 82:1,
82:2
exact [3] - 125:19,
138:23, 150:25
exactly [2] - 38:3,
60:21
exam [1] - 161:13
Examination [8] - 2:5,
2:6, 2:7, 2:8, 2:10,
2:11, 2:12, 2:13
EXAMINATION [7] -
11:2, 34:8, 62:19,
76:23, 112:8, 155:3,
157:10
examination [5] - 9:2,
34:3, 157:12,
157:17, 163:9
examine [2] - 6:6,
38:12
example [7] - 97:12,
98:12, 99:21,
100:19, 101:6,
131:21, 149:12
except [2] - 150:16,
162:20
exception [4] - 80:13,
83:8, 139:6, 162:10
excessive [1] - 158:20
exchange [1] - 5:23
excluded [1] - 8:4
executioner [1] -
161:25
Executive [1] - 101:12
exemption [3] - 70:7,
71:16, 143:3
exemptions [1] - 70:7
EXHIBIT [1] - 3:12
Exhibit [58] - 12:5,
12:8, 13:18, 13:21,
17:12, 17:15, 27:11,
28:19, 29:2, 29:4,
29:15, 29:18, 31:19,
33:3, 41:18, 41:22,
46:10, 47:11, 49:14,
49:15, 56:24, 57:5,
66:6, 66:12, 66:22,
71:14, 77:10, 77:11,

78:1, 78:11, 79:10,
79:13, 80:7, 80:9,
80:18, 86:13, 91:21,
92:11, 104:19,
104:20, 107:13,
107:22, 112:9,
116:2, 117:1, 117:2,
117:23, 126:4,
128:20, 129:10,
129:13, 133:19,
135:8, 142:23,
150:5, 160:14,
162:5, 164:6, 164:14
exhibit [11] - 28:22,
36:25, 39:19, 44:8,
49:21, 49:22, 67:8,
67:21, 142:6,
162:21, 167:15
Exhibits [3] - 58:22,
150:2, 164:16
EXHIBITS [2] - 3:1,
3:3
exhibits [3] - 9:12,
45:3, 162:19
existed [1] - 58:12
existence [1] - 66:1
exists [1] - 153:11
experience [5] -
15:25, 26:1, 32:25,
45:25, 84:25
expert [4] - 8:17, 52:6,
53:20, 68:1
expiration [1] - 89:11
expired [2] - 72:21,
89:25
explain [4] - 20:5,
81:3, 101:25, 109:24
explained [1] - 87:24
explanation [1] -
157:2
expletive [1] - 136:9
explore [1] - 134:20
extent [4] - 38:16,
53:8, 75:9, 110:4
extraction [1] - 100:20
extractions [2] - 17:2,
99:23
extracts [1] - 137:18
extremely [1] - 102:17
eye [1] - 147:5
eyes [1] - 78:17

F

face [1] - 122:6
Facebook [19] - 10:1,
45:18, 55:12, 55:13,
127:7, 127:17,
128:3, 128:12,
130:5, 134:24,

136:2, 136:6, 137:14, 137:21, 137:23, 138:4, 138:6, 145:2 faces [2] - 132:20, 148:22 facilities [12] - 25:12, 51:20, 59:13, 96:19, 133:15, 134:23, 135:6, 135:21, 137:2, 137:15, 147:19, 149:15 facility [20] - 61:17, 96:20, 130:25, 135:10, 136:13, 136:24, 137:1, 141:3, 141:8, 141:14, 141:15, 144:24, 148:2, 148:3, 149:17, 149:23, 156:12, 156:25 facing [2] - 131:1, 134:22 fact [28] - 6:20, 22:24, 23:2, 26:24, 28:3, 30:10, 31:18, 38:4, 41:11, 52:6, 52:9, 52:18, 53:4, 54:20, 60:6, 63:10, 66:13, 67:18, 72:1, 72:21, 73:6, 84:23, 91:17, 134:18, 151:14, 152:7, 152:14, 156:2, 163:24 facts [5] - 4:17, 6:2, 6:10, 6:13, 6:24 fall [2] - 8:23, 128:24 failed [1] - 101:9 fair [10] - 37:19, 39:11, 43:25, 46:13, 47:12, 50:4, 51:6, 51:9, 52:1, 129:7 fairly [3] - 53:23, 54:1, 158:18 faith [2] - 70:2, 70:9 fall [1] - 72:14 falls [1] - 122:9 false [1] - 50:25 falsi [4] - 152:19, 152:24, 153:3, 153:4 familiar [3] - 136:11, 138:22, 151:11 familiarity [1] - 138:20 fan [1] - 75:25 far [9] - 4:14, 4:20, 5:24, 7:13, 108:10, 117:12, 129:11, 163:15, 164:8 fashion [1] - 75:17	father [1] - 158:5 February [11] - 27:22, 28:12, 30:3, 32:21, 56:2, 57:12, 58:6, 89:16, 91:25, 107:16 federal [4] - 115:12, 115:18, 151:4, 158:22 fell [1] - 43:3 felt [8] - 38:25, 53:10, 72:9, 82:11, 82:17, 83:12, 85:13, 134:13 fence [1] - 96:23 few [8] - 38:8, 46:17, 110:19, 137:7, 137:8, 137:9, 143:2, 154:24 fictitious [1] - 133:13 field [1] - 104:9 fighting [1] - 87:23 figure [2] - 4:7, 127:20 figured [1] - 164:4 file [19] - 47:13, 47:21, 59:3, 75:12, 81:13, 86:22, 88:2, 88:13, 93:3, 93:4, 93:6, 114:10, 115:11, 162:9, 165:12, 165:13, 166:24, 166:25, 167:5 filed [3] - 31:9, 103:24, 115:18 files [12] - 46:18, 49:15, 55:6, 55:24, 86:16, 86:18, 86:21, 108:20, 112:12, 114:12 filling [4] - 31:13, 104:7, 106:24, 167:6 final [4] - 27:23, 109:8, 110:19, 162:21 financially [1] - 102:8 finder [1] - 152:6 fine [4] - 5:12, 37:11, 46:2, 165:23 first [31] - 8:10, 10:10, 10:23, 26:15, 28:2, 29:12, 46:16, 46:17, 55:7, 55:24, 57:14, 59:3, 87:10, 88:1, 89:16, 103:14, 107:25, 111:1, 116:10, 132:18, 135:11, 135:16, 151:14, 163:20, 164:9, 164:22, 165:3, 165:4 five [5] - 65:18, 72:16, 107:7, 109:1, 133:13 flip [1] - 41:24	flipped [1] - 70:23 flipping [1] - 105:21 floor [1] - 103:14 Florida [2] - 101:16, 101:17 fluff [1] - 141:17 focus [8] - 141:19, 142:2, 142:4, 142:5, 145:18, 146:20 focusing [1] - 148:24 folks [3] - 36:15, 40:8, 43:11 follow [4] - 55:2, 115:17, 131:5, 144:3 follow-up [2] - 55:2, 131:5 followed [3] - 48:4, 107:5, 145:13 following [4] - 125:7, 133:17, 144:13, 167:6 follows [3] - 10:17, 76:16, 104:22 followup [1] - 139:15 food [1] - 74:6 FOR [1] - 2:3 forbidden [1] - 132:22 force [1] - 158:20 forget [1] - 161:8 forgive [1] - 130:20 forgot [2] - 102:6, 151:1 form [2] - 107:2, 129:5 forty [1] - 104:15 forty-one [1] - 104:15 forward [3] - 8:8, 76:1, 76:2 foundation [2] - 133:25, 134:2 four [2] - 114:12, 145:11 fourth [1] - 160:16 Frank [1] - 33:5 frank [1] - 87:21 free [2] - 88:13, 89:1 freely [2] - 144:15, 144:19 FRIDAY [1] - 4:1 Friday [1] - 1:12 frivolous [1] - 70:8 front [11] - 17:24, 32:23, 44:8, 75:16, 92:3, 103:25, 104:19, 107:13, 112:8, 117:1, 129:5 fulfill [1] - 124:23 fulfilled [1] - 166:6 full [2] - 24:10, 84:3 fully [1] - 168:4	fulsome [1] - 70:18 future [1] - 84:7 G Garcia [88] - 8:21, 9:5, 9:20, 12:16, 12:21, 14:3, 14:5, 14:18, 15:1, 15:20, 16:3, 17:19, 19:6, 19:13, 19:21, 22:4, 22:21, 24:17, 25:1, 25:14, 26:24, 27:15, 27:19, 28:6, 29:7, 30:13, 32:4, 33:12, 34:14, 40:14, 41:8, 41:13, 42:7, 43:23, 44:12, 44:22, 48:8, 52:17, 53:6, 53:8, 55:6, 56:10, 59:9, 59:12, 61:7, 62:8, 62:21, 63:19, 65:9, 66:11, 68:12, 72:7, 73:17, 74:7, 76:1, 76:9, 76:10, 76:25, 77:16, 79:23, 85:20, 88:22, 91:23, 94:3, 94:12, 104:6, 104:21, 108:14, 109:9, 109:18, 112:8, 112:11, 112:16, 113:13, 114:17, 122:7, 125:13, 125:15, 127:13, 127:18, 129:16, 131:11, 131:15, 134:13, 134:23, 135:19, 136:5, 137:14, 138:4, 138:11, 138:18, 139:23, 140:13, 145:1, 145:2, 155:5, 159:17, 160:22, 163:6 GARCIA [2] - 2:9, 76:13 Garcia's [8] - 21:7, 45:24, 50:4, 53:5, 55:13, 71:19 geared [1] - 38:4 general [5] - 24:23, 24:25, 54:4, 98:20, 157:15 generally [2] - 97:10, 97:12 gentleman [1] - 67:16 ghost [1] - 83:11 Giant [3] - 132:3, 132:5 given [8] - 53:25, 71:9, 82:15, 96:6, 96:11, 107:7, 132:18, 155:9 glasses [1] - 113:1 goal [1] - 71:10 Google [2] - 45:9, 45:10 Googling [1] - 55:9 government [21] - 26:25, 42:11, 69:8, 70:24, 71:2, 71:5, 71:7, 73:25, 74:2, 74:4, 74:7, 74:8, 74:12, 78:16, 83:24, 95:18, 98:22, 151:8, 159:18, 160:23, 161:23 governments [1] - 83:20 graduated [2] - 55:16, 60:6 great [4] - 98:24, 102:8, 120:23, 152:22 Greenville [1] - 77:18 gross [4] - 84:11, 93:9, 110:9, 115:4 grossly [4] - 81:19, 82:20, 153:24, 153:25 grounds [3] - 64:15, 64:20, 163:10 groundwork [1] - 102:21 group [3] - 97:2, 138:21 groups [1] - 96:9 guards [1] - 145:6 guess [13] - 4:7, 20:20, 39:12, 43:20, 49:7, 54:23, 59:2, 60:1, 74:24, 120:3, 132:15, 134:4, 164:25 guide [1] - 73:18 guided [1] - 146:5 guidelines [2] - 96:6, 149:14 guilty [4] - 151:16, 152:10, 154:4, 154:14 gun [1] - 146:24 guns [2] - 141:19, 149:16 guy [2] - 100:10 guys [4] - 145:16, 146:1, 146:6, 146:25 H half [1] - 141:8
--	---	---	--

hand [5] - 91:7, 91:8, 91:11, 129:18, 136:9
handed [1] - 126:15
handling [1] - 29:25
handle [3] - 11:13, 11:15, 166:13
handler [5] - 145:18, 145:23, 146:3, 146:7, 146:12
handlers [1] - 145:14
happy [3] - 39:18, 39:19, 60:17
hard [1] - 69:15
harm [1] - 145:6
harmed [2] - 115:13, 157:13
harms [2] - 157:17, 157:20
Hawaii [1] - 43:1
head [3] - 88:6, 101:19, 136:18
headed [1] - 129:2
hear [3] - 10:3, 151:23, 153:5
heard [10] - 14:4, 28:2, 66:6, 73:2, 142:16, 151:14, 151:17, 158:7, 161:18, 161:21
hearing [3] - 4:11, 75:17, 168:5
hears [1] - 158:6
hearsay [7] - 40:17, 42:6, 42:7, 42:12, 93:19, 128:23, 160:24
HELD [1] - 4:1
held [1] - 74:6
help [4] - 5:19, 120:8, 120:16, 127:25
helpful [5] - 5:21, 6:4, 7:4, 67:13, 68:14, 131:14
helps [1] - 96:14
hereby [1] - 168:3
high [7] - 17:1, 17:2, 98:21, 100:19, 100:20
highly [1] - 146:11
Hightail [5] - 85:25, 86:10, 88:13, 88:15, 88:16
himself [1] - 72:8
hire [1] - 100:9
hired [7] - 14:13, 22:25, 23:2, 59:24, 68:14, 69:8, 69:10
hiring [5] - 68:16, 72:1, 72:10, 72:14, 73:3

history [12] - 14:11, 19:19, 21:1, 48:20, 49:5, 49:8, 70:21, 114:4, 151:21, 158:4, 158:15, 160:22
HOGLE [1] - 131:10
Hogle [3] - 1:17, 5:14, 5:22
hold [7] - 37:14, 104:11, 106:4, 122:24, 123:10, 123:15, 124:1
holds [1] - 123:23
Hollywood [2] - 137:6, 141:17
Homeland [1] - 98:22
honestly [1] - 71:11
Honolulu [1] - 43:1
Honor [105] - 4:15, 5:9, 5:12, 6:11, 7:3, 7:23, 8:12, 9:1, 10:8, 10:9, 11:21, 12:3, 32:1, 34:1, 35:16, 36:19, 36:24, 37:2, 38:2, 38:15, 40:15, 42:5, 42:11, 42:20, 44:14, 45:2, 45:22, 50:21, 51:6, 52:5, 52:12, 53:3, 53:16, 54:8, 60:11, 60:18, 61:5, 62:14, 62:17, 65:12, 65:14, 65:17, 66:18, 69:1, 71:24, 72:25, 73:13, 74:25, 76:7, 76:8, 76:21, 94:1, 103:6, 103:10, 103:18, 104:5, 106:3, 106:11, 108:9, 109:14, 110:2, 110:11, 112:2, 120:10, 121:6, 123:20, 125:9, 126:5, 128:18, 128:22, 130:19, 131:5, 131:10, 134:4, 134:8, 135:15, 138:10, 138:16, 140:23, 141:21, 142:9, 143:8, 145:12, 147:7, 152:3, 152:11, 152:15, 152:21, 152:25, 153:7, 153:13, 153:18, 154:22, 154:25, 157:7, 159:1, 159:13, 160:13, 162:3, 162:14,

163:1, 163:13, 164:21, 165:17, 165:24, 166:3, 167:11, 167:13
honor [2] - 82:25, 83:2
Honorable [1] - 1:13
hopefully [1] - 150:1
hoping [2] - 6:8, 84:20
hospice [2] - 158:8, 158:10
hostage [3] - 17:3, 124:8, 124:9
hour [2] - 90:8, 108:11
hours [5] - 23:22, 24:2, 72:21, 88:18, 89:13, 89:14
housing [1] - 144:14
hurdle [2] - 134:17, 139:4
hurt [1] - 158:18
hurting [1] - 102:2
hypoglycemic [1] - 88:18
hypothetical [3] - 54:18, 133:5, 133:9

I

ID [1] - 97:4
idea [4] - 42:9, 72:17, 74:19, 119:13
ideas [1] - 5:23
identification [10] - 12:5, 13:18, 17:11, 29:1, 29:14, 41:21, 79:10, 91:20, 126:3, 133:18
identified [4] - 25:4, 25:13, 97:22, 161:12
Identify [12] - 25:9, 64:19, 96:1, 97:1, 97:7, 127:14, 142:12, 155:6, 155:19, 155:22, 155:25, 156:6
III [1] - 165:22
image [1] - 116:22
images [1] - 116:21
imagine [1] - 26:11
immaterial [1] - 164:10
Immediately [1] - 70:2
Immokalee [2] - 101:16, 101:17
important [4] - 67:4, 81:17, 92:24, 102:17
improper [1] - 38:14
IN [1] - 1:1
inactive [5] - 136:25, 137:3, 140:20,

140:21, 149:23
Inadvertently [2] - 146:11, 147:1
Inapplicable [1] - 69:6
include [5] - 41:11, 81:10, 81:12, 92:17, 139:12
Included [16] - 16:12, 49:10, 114:24, 115:5, 117:21, 125:16, 131:3, 131:12, 131:17, 131:22, 134:14, 139:11, 154:3, 157:21, 163:11, 164:6
Includes [2] - 70:2, 163:24
Including [1] - 69:14
incorrect [1] - 50:11
Indefinitely [1] - 89:14
INDEX [2] - 2:1, 3:1
Indicate [16] - 5:3, 12:13, 22:4, 23:9, 23:15, 29:21, 30:17, 30:22, 32:4, 76:25, 78:8, 88:9, 92:2, 99:16, 102:15, 163:15
Indicated [10] - 6:12, 33:18, 72:2, 91:12, 100:24, 102:14, 109:18, 120:13, 161:13, 163:17
Indicating [3] - 122:8, 124:14, 160:21
Indication [1] - 25:25
Individual [5] - 15:24, 26:6, 98:16, 158:16, 159:9
Individually [2] - 8:3, 84:8
Individuals [15] - 14:13, 23:2, 25:1, 25:10, 30:18, 35:3, 38:7, 42:8, 64:7, 83:4, 95:1, 97:25, 98:7, 99:8, 120:15
information [77] - 6:4, 6:17, 7:22, 8:1, 14:24, 15:1, 15:3, 15:10, 15:12, 16:7, 16:11, 16:18, 19:14, 19:22, 20:11, 22:5, 22:13, 22:14, 22:17, 22:19, 23:6, 23:10, 23:13, 26:24, 27:4, 27:8, 27:24, 28:15, 30:18, 32:11, 36:20, 36:22, 39:14, 41:7,

41:11, 49:10, 68:5, 71:17, 80:19, 81:21, 82:1, 82:2, 82:7, 85:2, 85:10, 85:19, 86:25, 93:11, 93:14, 93:17, 94:4, 94:7, 94:14, 95:23, 100:8, 100:25, 101:1, 101:2, 102:20, 105:15, 106:23, 111:13, 111:22, 116:8, 122:9, 138:23, 150:8, 150:14, 150:22, 150:23, 151:8, 152:16, 152:19, 154:3, 158:3, 163:11
Information [1] - 14:10
Initial [21] - 14:1, 20:15, 20:17, 21:14, 35:19, 36:2, 51:13, 51:15, 56:18, 56:22, 57:4, 57:17, 72:11, 74:19, 79:5, 92:10, 104:5, 105:14, 105:19, 166:4, 166:5
Ink [1] - 150:6
Inmate [2] - 100:19, 100:20
inmates [4] - 128:10, 141:6, 143:24, 144:19
Innuendos [1] - 101:23
Input [1] - 37:18
Inside [10] - 25:1, 31:12, 51:20, 64:14, 96:18, 135:20, 145:7, 147:19, 147:23, 156:24
instance [3] - 59:3, 70:11, 148:25
Instances [1] - 148:17
Institute [1] - 101:14
Instruction [1] - 156:7
Instructor [1] - 122:2
instructors [1] - 100:12
Intelligence [1] - 11:9
Intelligent [1] - 145:25
Intend [1] - 76:2
intended [1] - 78:13
intention [1] - 94:20
Intentions [1] - 4:14
Interest [1] - 52:1
interested [1] - 39:21
Internal [1] - 102:10
Internally [1] - 150:10
internally [1] - 150:11

international [4] - 83:24, 95:17, 98:15, 98:16 internationally [1] - 98:19 Internet [3] - 45:14, 55:10, 127:15 Interpol [1] - 98:21 introduced [2] - 46:11, 57:5 introduction [1] - 45:3 involve [1] - 59:12 Involved [4] - 12:20, 63:2, 80:15, 82:2 Issue [15] - 6:23, 8:12, 14:22, 21:9, 36:23, 37:17, 37:22, 51:12, 56:24, 105:15, 107:11, 118:21, 131:8, 152:13, 166:14 Issued [2] - 63:15, 118:25 Issues [4] - 8:9, 21:12, 72:7, 166:14 IT [1] - 19:3 itself [6] - 52:19, 68:8, 68:14, 102:5, 147:6, 149:17	JUNE [1] - 4:1 Jurisdiction [2] - 43:19, 44:2 Jurisdictions [2] - 35:10, 59:13 Justice [3] - 160:15, 160:19, 161:7 Justification [1] - 53:2 Justify [2] - 70:24, 71:7	116:1, 117:8, 117:16, 120:12, 120:23, 121:2, 122:5, 123:24, 123:25, 125:4, 125:9, 125:11, 126:5, 126:9, 126:12, 126:14, 126:17, 126:20, 127:4, 128:18, 129:1, 129:15, 130:4, 130:23, 131:24, 133:11, 133:20, 134:8, 135:13, 135:17, 135:18, 138:9, 139:3, 139:14, 140:8, 140:12, 141:5, 141:21, 142:3, 142:25, 143:7, 143:12, 143:16, 143:18, 144:25, 147:14, 147:15, 152:9, 152:21, 153:6, 153:12, 153:18, 153:20, 154:11, 154:21, 157:11, 159:3, 159:8, 159:11, 159:16, 160:1, 160:12, 161:6, 161:20, 162:3, 162:13, 162:16, 162:18, 163:1, 165:2, 165:9, 165:24, 166:18, 167:12	70:22, 71:21, 72:16, 73:8, 73:15, 73:20, 75:13, 139:7, 143:4 layout [1] - 136:10 leader [2] - 12:16, 77:17 learn [4] - 56:7, 57:19, 57:20, 58:1 learned [4] - 57:14, 58:7, 99:21, 99:24 learning [2] - 99:23, 100:8 least [8] - 36:11, 38:17, 69:7, 85:14, 96:13, 148:25 leave [4] - 95:11, 103:16, 160:6, 165:22 left [10] - 17:23, 34:25, 76:11, 117:24, 118:2, 118:5, 119:19, 129:18, 129:25, 132:9 left-hand [1] - 129:18 legal [2] - 6:22, 6:23 legislation [2] - 69:23, 71:10 legislature [3] - 69:9, 70:20, 71:2 length [2] - 110:8, 115:3 letter [7] - 64:10, 98:12, 98:15, 99:1, 160:17, 160:19, 161:10 letters [14] - 16:7, 26:17, 59:15, 85:10, 98:1, 98:6, 99:9, 100:14, 100:15, 106:15, 111:5, 113:5, 125:16, 134:11 level [8] - 26:1, 45:24, 98:9, 98:22, 121:9, 121:21, 121:25, 124:8 levels [1] - 120:9 liable [1] - 110:3 libelous [1] - 110:9 lighthouse [1] - 117:18 lighting [1] - 147:18 lightly [1] - 66:7 lights [2] - 109:15, 146:5 likely [1] - 110:25 likewise [1] - 74:7 limit [4] - 23:20, 89:12, 123:22, 134:20 limited [3] - 54:6,	95:3, 96:10 line [4] - 38:9, 45:23, 46:2, 96:23 links [2] - 9:15, 72:21 list [7] - 84:1, 86:23, 102:19, 103:3, 111:11, 114:4, 160:13 listed [4] - 25:6, 29:12, 68:2, 167:3 listener [2] - 161:1, 161:4 listing [3] - 8:14, 32:25, 103:19 lists [1] - 102:15 literally [1] - 122:14 litigation [1] - 5:16 Litigation [1] - 8:17 LLC [1] - 77:17 local [4] - 19:18, 20:10, 21:8, 82:8 locate [2] - 72:18, 78:6 location [8] - 23:6, 97:2, 138:18, 138:20, 138:22, 155:20 locations [2] - 25:10, 142:12 lock [1] - 144:17 locked [8] - 31:12, 31:15, 53:11, 59:2, 61:2, 106:23, 144:19 lockout [1] - 88:25 locks [2] - 144:15, 144:16 log [1] - 88:16 logo [7] - 105:1, 105:3, 105:4, 117:17, 117:23, 121:13, 129:22 logos [8] - 104:9, 104:20, 117:2, 117:10, 117:24, 118:2 look [31] - 4:21, 6:17, 22:12, 24:13, 32:21, 32:24, 39:20, 45:13, 47:4, 55:12, 55:13, 58:8, 61:22, 66:9, 67:23, 68:8, 69:7, 69:18, 71:11, 78:1, 80:17, 84:22, 86:12, 88:3, 127:5, 128:15, 132:16, 138:2, 146:8, 147:4 looked [4] - 30:6, 56:16, 105:23, 156:4 looking [14] - 24:19, 24:22, 26:23, 27:6, 32:24, 47:11, 57:10,		
J	J-I-m [1] - 34:5 jail [2] - 61:8, 102:6 Jail [1] - 101:15 January [8] - 27:24, 57:24, 57:25, 63:15, 106:1, 138:5 jeopardy [1] - 98:24 Jim [4] - 1:17, 5:14, 34:5, 43:3 job [2] - 102:17, 106:12 Johnson [2] - 118:13, 118:15 Jonathon [4] - 101:7, 101:10, 101:11 Joseph [8] - 8:21, 66:11, 76:9, 77:16, 112:11, 127:13, 127:18, 138:4 JOSEPH [2] - 2:9, 76:13 Judge [2] - 1:13, 103:25 Judge's [1] - 121:3 judicial [2] - 75:19, 109:2 jumping [1] - 145:22 June [2] - 1:12, 166:21	K	keep [8] - 6:14, 15:9, 34:24, 83:16, 102:24, 108:15, 108:24, 128:1, 131:25 kept [2] - 35:5, 53:11 key [3] - 31:17, 67:4, 92:24 kilobytes [1] - 47:23 kind [15] - 6:10, 14:2, 14:19, 16:24, 71:9, 87:22, 91:18, 96:16, 114:4, 117:18, 130:10, 130:24, 131:12, 132:2, 132:17 kinds [1] - 131:2 Kingdom [5] - 151:15, 152:10, 152:23, 154:4, 154:14 knowledge [8] - 16:11, 19:24, 20:2, 33:17, 60:23, 61:1, 65:7, 65:9, 79:4 known [1] - 39:6 knows [2] - 138:20, 158:5 Knudsen [5] - 1:16, 2:11, 2:13, 5:12, 153:16 KNUDSEN [118] - 4:5, 5:11, 7:2, 9:1, 12:2, 13:15, 33:5, 33:8, 43:2, 45:2, 66:18, 66:21, 68:7, 68:10, 68:25, 69:22, 70:16, 73:13, 74:17, 74:24, 76:6, 93:18, 103:18, 103:22, 104:3, 104:13, 104:15, 104:17, 104:25, 105:4, 105:9, 105:20, 105:25, 106:5, 106:10, 107:4, 107:12, 108:8, 108:13, 109:5, 110:2, 112:4, 112:7, 115:23,	L	labeled [2] - 132:8, 136:9 land [1] - 99:22 language [3] - 16:15, 68:13, 73:18 large [2] - 68:16, 71:9 lasers [1] - 146:5 last [14] - 10:23, 21:4, 34:5, 41:24, 42:2, 42:6, 42:25, 43:3, 62:7, 98:3, 114:15, 153:3, 159:12, 164:19 late [1] - 30:3 law [7] - 7:9, 10:16, 69:6, 70:7, 70:9, 76:15, 108:5 Law [17] - 5:2, 37:5, 68:8, 68:17, 69:3, 69:13, 69:23, 70:1,	

87:25, 101:20, 103:23, 104:7, 106:2, 106:6, 137:10 looks [2] - 74:18, 108:23 lost [5] - 6:19, 121:6, 125:8, 145:9, 162:21 low [1] - 103:8 lower [4] - 129:18, 129:25, 130:2, 130:3 lunch [1] - 108:11 lying [1] - 22:11	mailed [1] - 17:10 main [2] - 108:18, 114:12 maintain [2] - 35:4, 95:9 maintaining [1] - 102:16 malicious [1] - 85:16 malpractice [1] - 68:1 man [3] - 100:11, 136:18, 156:24 Management [1] - 1:9 managing [1] - 118:20 manner [1] - 21:24 March [7] - 28:13, 30:3, 32:21, 56:2, 104:2, 104:4, 104:7 mark [2] - 9:14, 41:18 MARKED [2] - 3:3, 3:12 marked [16] - 12:8, 13:6, 13:20, 17:14, 28:19, 31:19, 52:16, 52:17, 52:21, 54:21, 58:22, 77:10, 78:11, 125:17, 128:20, 155:6 market [1] - 100:3 marking [1] - 91:24 markings [2] - 148:22, 155:8 Marriott [1] - 121:9 master [16] - 105:7, 118:5, 119:4, 119:18, 119:20, 119:22, 121:4, 122:4, 122:14, 122:18, 122:22, 122:23, 123:2, 123:7, 125:3 Master [1] - 123:12 match [2] - 104:20, 106:7 material [5] - 21:21, 72:2, 92:8, 113:6, 139:21 materials [10] - 68:16, 69:4, 72:10, 72:14, 73:3, 110:5, 110:6, 114:22, 123:5, 151:23 matter [17] - 5:25, 7:9, 44:7, 47:8, 50:15, 65:7, 73:22, 74:10, 75:11, 94:2, 103:12, 128:25, 134:6, 156:23, 160:25, 166:23, 167:2 matters [2] - 11:14, 139:19	Matthew [1] - 1:13 mattresses [2] - 145:19, 145:21 Max [1] - 132:8 maximum [2] - 96:22, 96:23 MB [1] - 113:1 mean [17] - 25:7, 35:15, 50:17, 53:4, 75:20, 76:3, 95:18, 96:4, 109:25, 113:14, 118:2, 119:18, 119:19, 132:4, 147:1, 150:18 means [3] - 96:5, 148:4, 150:12 meantime [1] - 126:22 media [11] - 50:12, 55:14, 127:25, 128:1, 128:2, 135:19, 135:24, 136:21, 137:24, 138:11, 138:21 medical [2] - 68:1, 99:22 meet [3] - 41:14, 89:17, 124:24 meeting [3] - 84:21, 91:10, 91:14 megabytes [1] - 47:24 member [2] - 14:18, 81:22 members [2] - 84:5, 144:10 Menges [1] - 1:13 mention [4] - 19:6, 73:14, 101:9, 152:14 mentioned [4] - 21:9, 49:14, 154:5, 154:8 message [2] - 92:12, 92:18 Michelle [3] - 1:19, 103:23, 104:22 microphone [2] - 10:20, 76:19 middle [2] - 105:3, 105:4 Middle [1] - 158:23 might [13] - 28:11, 54:11, 58:8, 74:21, 97:5, 98:13, 116:7, 136:25, 141:16, 143:25, 145:5, 147:17, 156:13 military [2] - 148:11, 151:11 mind [3] - 76:4, 78:3, 127:5 minor [1] - 90:17 minute [9] - 32:1, 65:18, 114:15, 138:14, 140:5, 143:8, 143:9, 153:14 minutes [3] - 108:24, 109:1, 122:15 mischaracterization [1] - 152:4 miscommunication [1] - 7:7 misinformation [2] - 84:11, 85:16 mislabeling [1] - 111:8 misleading [3] - 81:20, 153:24, 154:1 misrepresenting [1] - 81:20 missing [2] - 81:4, 162:2 misunderstanding [1] - 124:12 misunderstood [1] - 119:7 modified [2] - 90:23, 90:24 modify [1] - 90:21 Mogan [1] - 132:10 moment [1] - 61:5 Monday [1] - 39:5 month [1] - 104:1 months [3] - 20:18, 20:20, 85:3 moot [5] - 66:15, 67:22, 75:11, 75:21, 76:4 Morgan [1] - 132:9 morning [6] - 4:4, 4:5, 4:6, 5:11, 39:5, 43:4 most [4] - 14:12, 64:19, 116:10, 145:20 move [12] - 8:8, 65:22, 76:1, 76:2, 120:16, 128:19, 133:21, 141:22, 146:6, 147:12, 160:11 moved [1] - 98:12 movement [1] - 142:8 movies [1] - 148:7 moving [2] - 45:3, 146:9 MR [1] - 143:15 multiple [2] - 81:19, 132:5 mushed [2] - 106:17, 106:19 must [1] - 70:17	N name [11] - 10:23, 34:5, 34:6, 43:14, 43:16, 79:2, 97:2, 98:6, 98:23, 98:24, 161:8 names [5] - 5:13, 38:8, 43:9, 43:11, 47:13 narrowest [1] - 70:25 national [1] - 124:3 National [7] - 14:10, 81:8, 101:8, 101:13, 101:14, 101:15, 101:17 nature [10] - 9:21, 42:14, 53:21, 53:25, 54:4, 54:6, 120:20, 143:1, 152:20, 162:24 navigation [1] - 99:22 NCIC [12] - 14:8, 14:9, 21:1, 21:4, 21:11, 21:16, 34:17, 38:7, 48:15, 48:24, 48:25, 55:5 necessarily [2] - 54:24, 60:5 necessary [1] - 12:1 need [23] - 4:11, 5:17, 9:12, 10:11, 11:25, 16:17, 30:24, 38:5, 38:18, 38:22, 67:2, 70:15, 72:9, 78:18, 92:21, 93:2, 95:1, 136:14, 138:8, 148:19, 150:16, 167:15 need-to-know [1] - 78:18 needed [1] - 38:25 needs [3] - 103:2, 103:14, 166:8 never [23] - 8:15, 22:25, 24:16, 43:6, 43:15, 44:9, 44:11, 44:19, 44:21, 48:4, 62:8, 80:1, 82:9, 107:17, 107:19, 115:6, 127:5, 133:7, 146:23, 146:24, 161:5, 161:13 new [2] - 75:13, 85:7 newspaper [16] - 19:18, 20:10, 21:9, 27:9, 72:5, 75:12, 82:8, 101:1, 109:18, 115:7, 115:20, 151:18, 151:20, 153:23, 154:2,
--	--	--	---

154:18, 156:18, 157:20 newspapers [1] - 93:15 next [4] - 80:20, 105:21, 106:11, 121:13 nice [1] - 122:16 nighttime [1] - 99:22 NO [1] - 3:12 nobody [2] - 67:15, 87:23 noise [3] - 145:25, 146:2, 146:13 none [4] - 7:22, 36:20, 104:20, 156:9 nonetheless [1] - 76:5 normal [1] - 79:17 normally [2] - 21:2, 21:3 note [3] - 26:20, 78:23, 114:7 noted [2] - 26:3, 152:8 notes [1] - 168:5 nothing [7] - 33:20, 48:21, 60:7, 85:12, 141:19, 154:22, 156:10 notice [4] - 78:16, 145:11, 145:19, 146:8 November [16] - 12:18, 12:19, 13:12, 13:25, 20:22, 31:8, 56:19, 57:6, 57:9, 66:9, 67:9, 69:12, 71:12, 72:20, 79:6, 85:8 novo [1] - 7:4 NOW [1] - 166:21 number [23] - 8:14, 25:19, 25:22, 26:16, 63:4, 87:4, 87:5, 95:24, 96:21, 97:19, 99:11, 99:12, 102:10, 125:10, 132:19, 132:20, 133:21, 134:21, 136:2, 149:13, 161:4, 166:7 Number [1] - 126:13 numbered [1] - 86:13 numbers [9] - 15:4, 34:21, 35:1, 35:5, 35:7, 36:6, 36:10, 38:8, 125:19	35:17, 36:18, 40:16, 42:6, 45:23, 50:20, 52:4, 53:4, 60:12, 110:3, 120:7, 123:19, 128:23, 130:15, 130:19, 134:2, 134:5, 152:4, 152:12, 153:1, 153:9, 158:25, 161:11, 163:9 objected [1] - 166:4 objecting [1] - 131:7 objection [16] - 40:2, 40:24, 44:13, 46:4, 51:4, 93:18, 93:25, 94:6, 128:21, 134:9, 142:7, 142:10, 142:15, 152:8, 162:20, 162:23, 162:25, 163:12 objections [1] - 129:10 objective [1] - 39:14 objects [1] - 146:9 observed [2] - 53:17, 53:18 obtain [2] - 59:3, 165:7 obtained [4] - 5:5, 36:21, 72:1, 72:3 obtaining [2] - 28:7, 37:5 obviously [3] - 67:11, 86:5, 102:13 occasion [1] - 127:23 occurred [1] - 52:9 OF [3] - 1:1, 1:21 offer [6] - 9:2, 9:18, 36:25, 37:10, 134:5, 135:1 offered [3] - 37:9, 75:3, 142:18 Office [6] - 6:2, 41:13, 66:5, 106:20, 107:3, 128:9, 160:17, 160:18 office [11] - 7:7, 31:12, 31:13, 31:15, 34:25, 43:12, 53:11, 59:2, 63:16, 84:16, 106:24 officer [2] - 156:24, 158:20 officer's [1] - 131:1 officers [3] - 148:11, 156:10, 157:23 official [3] - 21:16, 125:2, 167:2 Official [2] - 1:25, 168:11 often [1] - 145:15	ON [3] - 4:1, 101:10, 101:11 once [3] - 6:9, 6:19, 82:9 one [95] - 6:15, 7:3, 7:12, 8:11, 9:5, 9:13, 14:21, 15:21, 18:3, 18:16, 18:23, 19:11, 19:12, 21:14, 22:20, 22:24, 23:3, 23:11, 23:25, 24:7, 24:8, 27:16, 31:17, 36:11, 40:25, 44:1, 47:4, 47:6, 47:15, 47:23, 49:13, 49:15, 49:23, 49:25, 55:1, 58:12, 62:7, 63:4, 65:1, 65:2, 65:3, 70:1, 73:14, 75:15, 78:7, 78:23, 80:10, 81:12, 84:9, 84:10, 84:13, 86:3, 87:1, 87:4, 87:9, 87:16, 92:14, 92:15, 92:16, 101:10, 101:11, 104:15, 107:21, 108:18, 111:3, 111:19, 112:9, 113:4, 114:12, 115:2, 121:23, 125:10, 126:25, 131:7, 131:16, 133:6, 133:12, 134:20, 136:17, 137:17, 142:12, 143:20, 150:9, 154:2, 154:7, 154:13, 158:19, 160:21, 161:1, 161:4, 162:14 ones [2] - 149:22, 157:2 online [5] - 61:20, 105:17, 148:4, 148:15, 149:19 OOR [1] - 103:24 Open [5] - 6:3, 8:5, 66:5, 106:20, 107:3 open [32] - 18:5, 18:14, 18:16, 18:17, 19:1, 19:4, 19:7, 23:17, 23:19, 23:24, 23:25, 24:6, 24:7, 29:9, 29:22, 39:24, 47:6, 49:15, 49:18, 49:22, 50:1, 63:15, 64:3, 89:9, 93:12, 94:19, 108:3, 112:9, 144:15, 144:18, 148:2	open-ended [1] - 39:24 opened [13] - 18:23, 19:11, 24:8, 24:10, 29:5, 31:4, 47:4, 49:25, 87:17, 90:12, 105:17, 107:18, 164:5 opening [1] - 135:12 openly [1] - 102:18 operation [1] - 101:19 operations [3] - 60:8, 74:14, 100:21 Operations [1] - 101:15 operator [36] - 105:8, 118:5, 118:6, 119:4, 119:16, 119:19, 119:20, 119:22, 119:23, 119:24, 121:4, 121:5, 121:11, 121:25, 122:3, 122:4, 122:14, 122:19, 122:22, 122:23, 123:2, 123:3, 123:8, 123:12, 123:16, 124:1, 124:4, 124:6, 124:10, 125:3, 125:8 opinion [2] - 54:4, 134:10 opportunity [6] - 7:5, 30:6, 82:15, 89:16, 166:24, 167:8 opposing [1] - 110:25 option [1] - 124:15 OR [4] - 5:7, 6:16, 6:19, 7:7 orange [1] - 126:24 order [8] - 5:15, 34:13, 82:17, 165:20, 166:15, 166:20 Oregon [5] - 127:25, 128:2, 130:7, 135:20, 136:21 organization [2] - 77:18, 101:18 original [2] - 56:11, 56:15 otherwise [3] - 9:15, 73:11, 149:7 outfit [1] - 140:3 outside [4] - 60:25, 67:24, 96:18, 96:23 overriding [1] - 71:9 override [3] - 40:23, 94:5, 142:15 overruled [1] - 50:22 overseas [1] - 132:3 overwhelm [1] - 147:3	overwhelming [1] - 147:6 owe [1] - 157:1 own [14] - 9:8, 15:23, 56:12, 57:10, 58:2, 58:4, 128:12, 136:2, 137:14, 137:19, 137:21, 137:24, 138:6, 145:3 owner [4] - 118:19, 118:24, 119:3, 120:4 owns [1] - 118:12.
P				
package [4] - 28:4, 67:18, 75:3, 131:19 packet [10] - 25:15, 95:23, 97:18, 99:13, 113:12, 113:13, 125:6, 131:17, 131:19, 132:21 PAGE [1] - 2:3 page [51] - 17:24, 26:8, 41:24, 42:1, 42:3, 42:6, 42:25, 43:3, 45:18, 49:19, 80:18, 80:20, 80:21, 80:25, 81:1, 86:13, 87:14, 88:5, 104:5, 104:8, 104:14, 104:21, 105:14, 105:21, 106:6, 106:11, 106:13, 107:20, 107:25, 108:1, 111:1, 119:6, 125:15, 127:17, 127:21, 128:3, 128:12, 130:5, 130:18, 134:24, 136:2, 136:6, 137:15, 137:21, 138:4, 138:6, 138:11, 145:2, 160:16 pages [60] - 7:15, 7:16, 7:19, 7:20, 7:21, 8:3, 8:22, 14:22, 15:7, 21:20, 24:9, 24:10, 24:11, 24:14, 25:17, 26:6, 30:11, 30:19, 31:8, 31:11, 38:5, 39:9, 53:17, 55:14, 58:11, 58:15, 60:14, 63:5, 66:5, 71:12, 72:3, 72:23, 75:5, 75:7, 80:13, 80:14, 83:16, 83:19, 84:17, 86:6, 95:7, 102:13,				

104:23, 106:9,
106:15, 111:22,
114:3, 125:13,
125:17, 128:24,
129:2, 131:13,
131:17, 139:11,
155:11, 155:13,
161:12, 166:2
paper [6] - 9:12, 35:2,
58:15, 106:13,
109:19, 127:5
papers [3] - 82:12,
86:8, 117:1
paragraph [7] - 106:2,
163:20, 163:22,
163:23, 164:9,
164:10, 164:14
part [39] - 23:13, 29:4,
29:21, 38:16, 44:3,
44:11, 44:20, 67:8,
67:20, 68:2, 68:4,
83:17, 107:14,
125:12, 128:24,
129:2, 130:18,
131:6, 134:9,
134:11, 134:14,
134:18, 139:5,
140:22, 141:3,
141:6, 144:21,
155:11, 155:13,
155:16, 155:17,
156:3, 158:10,
162:1, 162:7, 162:8,
162:11, 164:12
particular [3] - 41:15,
44:23, 154:8
particularly [2] -
160:16, 164:1
parties [3] - 4:12,
168:22, 166:23
partly [1] - 37:22
partnership [1] -
101:18
party [6] - 5:3, 8:2,
70:3, 72:18, 73:19,
74:3, 107:10, 167:8
pass [1] - 103:7
passed [2] - 74:18,
139:4
password [13] - 23:18,
23:19, 30:14, 30:16,
46:18, 46:20, 46:21,
88:23, 88:24, 89:2,
89:4, 89:9, 91:5
past [5] - 12:11, 19:19,
22:11, 135:25,
151:21
patch [1] - 97:5
patches [1] - 25:13
Paula [3] - 1:16, 4:19,

5:12
paying [1] - 158:14
PDF [3] - 91:6, 104:8,
113:4
PDFs [2] - 47:19,
47:20
penalties [1] - 70:9
pending [1] - 158:21
PENNSYLVANIA [1] -
1:2
Pennsylvania [4] -
69:24, 70:21, 95:20,
158:23
people [21] - 30:20,
43:9, 44:1, 50:17,
67:17, 68:15, 83:20,
85:1, 95:6, 116:4,
119:20, 119:23,
124:16, 135:23,
145:11, 148:7,
148:10, 150:16,
157:1, 157:21,
157:25
perceive [1] - 157:13
percent [2] - 67:4,
92:24
perform [1] - 166:15
performing [2] - 74:3
perhaps [6] - 36:25,
124:15, 133:12,
137:3, 138:14,
152:17
period [2] - 4:18, 55:4
permission [15] -
96:11, 126:6, 128:9,
130:9, 132:19,
132:23, 133:15,
135:24, 138:13,
148:14, 149:1,
149:3, 149:24,
155:9, 156:12
permissions [1] -
148:9
permit [4] - 30:7,
33:12, 64:13, 90:16
permitted [1] - 7:9
person [14] - 16:20,
23:4, 69:8, 69:11,
81:23, 101:21,
118:17, 127:18,
127:20, 137:20,
145:5, 154:12,
158:19, 161:8
personal [1] - 92:17
personally [1] - 107:1
personnel [4] - 25:2,
78:18, 84:22, 148:11
pertaining [1] - 127:23
pertains [1] - 74:11
petition [1] - 70:14

Petitioner [1] - 165:3
PETITIONER [1] - 2:3
PETITIONER'S [1] -
3:3
Petitioner's [14] -
12:5, 12:8, 13:7,
13:18, 17:12, 17:15,
29:2, 29:15, 77:11,
79:10, 91:21, 91:24,
160:11, 164:16
phone [14] - 15:4,
34:20, 35:1, 35:5,
35:7, 35:19, 36:5,
36:10, 39:17, 39:18,
57:12, 84:21, 87:18,
90:6
phones [1] - 149:18
photo [9] - 43:17,
43:22, 43:24,
128:10, 130:10,
130:24, 131:12,
132:17, 132:18
photograph [4] -
129:6, 155:5, 155:24
photographs [24] -
15:5, 16:6, 24:20,
24:22, 24:25, 25:4,
25:9, 64:18, 64:23,
95:24, 96:1, 113:5,
114:24, 131:16,
131:21, 139:5,
139:10, 139:11,
142:11, 149:5,
149:15, 149:16,
155:14
photos [31] - 43:23,
51:19, 51:20, 51:25,
64:13, 96:9, 96:14,
96:18, 97:1, 97:7,
108:15, 125:17,
126:1, 129:3,
130:10, 130:14,
130:17, 131:2,
131:7, 132:16,
132:21, 132:25,
133:13, 133:16,
134:11, 134:14,
134:15, 135:2,
135:5, 149:8, 149:18
Photoshop [2] -
116:20, 116:22
phrase [2] - 4:8, 54:17
phrased [1] - 54:2
phrasing [1] - 54:7
physical [2] - 58:14,
147:24
physically [2] - 15:14,
122:7
pictures [3] - 133:3,
149:16, 149:20

piece [2] - 35:2,
106:13
pieces [1] - 108:21
pie [2] - 25:17, 116:25
pin [10] - 119:4,
119:16, 119:22,
119:23, 119:24,
121:21, 121:25,
122:2, 122:3, 122:4
pins [2] - 118:4,
119:11
Pittsburgh [1] - 86:5
place [7] - 42:25, 55:7,
55:24, 57:15, 69:17,
82:14, 147:1
placed [3] - 72:5,
78:14, 150:2
places [8] - 15:6,
84:23, 114:4,
134:25, 140:19,
143:25, 144:11,
147:24
plain [1] - 88:2
Plaintiff [1] - 167:3
Plaintiffs [1] - 1:18
play [4] - 5:17, 138:13,
140:7, 141:24
played [1] - 143:11
playing [2] - 133:24,
139:24
plead [1] - 152:10
pleaded [2] - 151:16,
154:14
pleading [1] - 154:3
PLEAS [1] - 1:1
pleased [1] - 75:16
point [31] - 5:17, 8:8,
9:16, 10:2, 10:6,
50:10, 50:11, 54:19,
55:9, 57:11, 58:4,
58:10, 61:15, 65:23,
68:8, 73:18, 77:22,
88:7, 89:24, 93:13,
98:18, 112:14,
128:19, 134:13,
135:1, 138:10,
141:22, 142:5,
142:8, 146:19,
166:16
pointing [2] - 129:23,
129:24
points [1] - 15:4
POKRIFKA [111] - 4:9,
4:15, 4:25, 6:11,
7:17, 8:11, 10:7,
11:3, 11:20, 11:23,
12:6, 13:19, 17:13,
18:13, 28:23, 29:3,
29:16, 31:25, 32:3,
33:4, 33:7, 33:9,

33:25, 35:16, 35:21,
36:18, 37:2, 37:13,
38:2, 40:15, 41:25,
42:5, 42:19, 43:5,
44:13, 45:22, 46:3,
50:20, 52:4, 53:3,
53:15, 56:21, 56:25,
60:11, 62:16, 62:20,
65:11, 65:17, 71:24,
76:8, 76:20, 76:24,
79:11, 88:21, 91:22,
94:1, 94:9, 94:11,
103:10, 104:24,
105:1, 105:7,
105:12, 105:23,
106:8, 106:18,
107:6, 107:15,
107:23, 108:2,
109:4, 109:7,
109:14, 109:17,
110:11, 110:17,
110:18, 112:1,
117:6, 117:9,
117:13, 120:7,
120:13, 123:19,
128:22, 130:15,
131:4, 134:4,
138:16, 142:9,
152:3, 152:11,
152:25, 153:9,
154:24, 155:4,
157:6, 158:25,
159:13, 161:9,
163:13, 163:23,
164:21, 165:5,
165:8, 165:13,
165:16, 165:21,
166:3, 166:17,
167:10
Pokrifka [10] - 1:19,
2:5, 2:7, 2:10, 2:12,
58:11, 73:15, 134:1,
138:15, 163:8
police [3] - 22:25,
148:11, 156:10
policy [2] - 50:16, 54:5
portion [2] - 143:24,
151:20
portions [1] - 71:20
position [9] - 5:7,
6:16, 9:24, 11:8,
67:10, 67:22,
140:16, 163:6
positions [1] - 99:10
possession [5] - 17:5,
17:8, 46:8, 73:7,
95:10
possible [5] - 60:25,
70:8, 71:5, 108:16,
114:6

<p>possibly [1] - 46:25</p> <p>post [19] - 127:14, 127:23, 128:5, 128:9, 130:6, 132:19, 135:20, 135:24, 136:4, 136:21, 147:22, 148:15, 149:21, 149:22, 149:24, 155:9, 156:13</p> <p>posted [16] - 9:7, 9:9, 61:7, 61:19, 61:20, 61:23, 62:3, 128:12, 130:5, 130:9, 134:23, 136:2, 137:14, 145:2, 147:18, 149:3</p> <p>posting [2] - 61:14, 149:19</p> <p>postings [1] - 9:25</p> <p>potential [2] - 34:21, 157:21</p> <p>potentially [1] - 71:15</p> <p>practice [1] - 97:15</p> <p>practices [3] - 135:4, 144:11, 158:24</p> <p>pre [1] - 140:16</p> <p>pre-position [1] - 140:16</p> <p>precisely [1] - 153:10</p> <p>precluded [1] - 141:11</p> <p>prefer [1] - 152:17</p> <p>preliminary [2] - 8:9, 8:12</p> <p>premarked [10] - 12:4, 13:17, 17:11, 29:1, 29:14, 41:21, 79:9, 91:20, 126:3, 133:18</p> <p>premise [1] - 70:17</p> <p>preparation [1] - 63:25</p> <p>prepared [1] - 6:6</p> <p>preparing [1] - 5:8</p> <p>presence [2] - 15:16, 95:11</p> <p>present [1] - 7:10</p> <p>presentation [1] - 14:5</p> <p>presented [2] - 27:9, 162:21</p> <p>preserve [1] - 6:20</p> <p>press [12] - 22:5, 22:13, 22:17, 22:23, 27:4, 50:8, 50:15, 50:18, 71:4, 82:23, 86:5, 115:4</p> <p>presumption [1] - 70:22</p> <p>pretty [3] - 4:20, 5:24, 68:20</p>	<p>prevent [1] - 146:9</p> <p>previous [1] - 24:16</p> <p>previously [4] - 13:9, 32:8, 56:12, 56:14</p> <p>primary [1] - 102:4</p> <p>print [3] - 30:10, 90:7, 103:23</p> <p>printed [6] - 49:25, 59:2, 59:6, 85:17, 90:4, 90:9</p> <p>Prison [11] - 11:8, 15:15, 53:22, 60:8, 64:13, 78:24, 116:4, 133:6, 133:13, 150:21, 157:23</p> <p>prison [42] - 12:22, 13:2, 14:13, 19:24, 20:12, 25:2, 31:14, 32:10, 33:23, 52:18, 52:19, 64:14, 64:15, 64:20, 74:6, 79:19, 81:23, 82:22, 83:23, 84:2, 85:9, 102:4, 102:5, 120:15, 134:22, 137:11, 137:15, 140:21, 141:7, 143:24, 144:4, 144:11, 144:21, 145:4, 145:6, 145:8, 147:19, 147:22, 147:23, 147:24, 156:25, 158:17</p> <p>prisoner [1] - 17:3</p> <p>prisons [5] - 25:1, 54:5, 64:19, 133:14, 140:20</p> <p>private [2] - 17:25, 26:9</p> <p>probe [1] - 131:25</p> <p>proceeding [2] - 7:5, 138:25</p> <p>PROCEEDINGS [2] - 1:21, 4:1</p> <p>proceedings [2] - 167:16, 168:3</p> <p>process [9] - 27:14, 38:6, 38:13, 38:20, 38:21, 44:3, 51:2, 55:23, 86:3</p> <p>produced [4] - 66:14, 66:22, 67:12, 165:1</p> <p>produces [1] - 68:1</p> <p>production [2] - 136:23, 137:5</p> <p>professional [4] - 26:17, 97:19, 146:22, 150:15</p> <p>professionally [1] - 101:3</p>	<p>program [4] - 96:16, 101:14, 120:16, 121:23</p> <p>prohibited [2] - 132:24, 133:3</p> <p>project [1] - 126:6</p> <p>projected [1] - 112:15</p> <p>promo [1] - 135:8</p> <p>prompted [3] - 55:5, 55:6, 109:19</p> <p>proof [7] - 9:2, 9:19, 25:16, 36:25, 84:23, 134:5, 135:1</p> <p>proofed [2] - 116:14</p> <p>proper [1] - 38:13</p> <p>properly [4] - 101:22, 107:9, 138:17, 162:6</p> <p>property [1] - 52:19</p> <p>proposal [1] - 92:4</p> <p>proposed [2] - 6:1, 6:7</p> <p>proprietary [9] - 71:17, 86:24, 102:20, 103:1, 134:16, 135:3, 139:7, 139:19, 143:1</p> <p>protect [3] - 91:18, 92:8, 164:2</p> <p>protected [7] - 8:1, 30:15, 30:16, 46:18, 88:10, 88:23, 88:24</p> <p>protection [2] - 23:18, 147:5</p> <p>protections [1] - 23:17</p> <p>Prothonotary [1] - 103:19</p> <p>Prothonotary's [1] - 162:9</p> <p>provide [35] - 7:18, 8:18, 11:7, 15:1, 16:4, 16:6, 16:13, 19:21, 20:2, 28:7, 33:13, 59:19, 59:20, 60:4, 69:20, 72:8, 73:10, 78:19, 79:14, 79:21, 79:23, 82:6, 82:10, 83:6, 83:7, 83:19, 85:10, 90:16, 104:4, 106:19, 106:25, 109:19, 110:23, 111:23, 156:7</p> <p>provided [33] - 5:4, 5:7, 6:18, 7:22, 17:1, 20:11, 28:3, 28:9, 28:15, 29:18, 33:19, 36:6, 43:23, 68:18, 72:4, 72:11, 72:12, 82:19, 85:2, 93:11, 94:14, 98:1, 99:8,</p>	<p>99:9, 100:15, 100:16, 100:24, 105:13, 107:18, 131:19, 159:18, 159:21</p> <p>provider [1] - 74:6</p> <p>providers [2] - 21:5, 100:4</p> <p>provides [3] - 12:21, 16:25, 32:9</p> <p>providing [14] - 29:25, 59:9, 59:12, 60:10, 73:5, 74:6, 74:8, 74:11, 79:5, 83:13, 93:17, 97:3, 110:1, 110:13</p> <p>public [30] - 6:21, 7:23, 7:25, 8:4, 9:23, 39:9, 51:25, 52:8, 52:22, 52:24, 53:1, 53:12, 54:15, 55:13, 60:15, 64:14, 73:7, 73:9, 73:11, 127:20, 132:22, 132:23, 133:4, 134:22, 144:9, 144:10, 144:12, 156:19, 159:24, 166:9</p> <p>publically [1] - 139:21</p> <p>publicly [7] - 9:6, 9:25, 61:7, 127:14, 134:23, 147:18, 159:21</p> <p>published [4] - 27:4, 48:9, 68:3, 139:13</p> <p>publishing [1] - 135:5</p> <p>pull [1] - 11:4</p> <p>pulled [3] - 99:24, 121:12, 122:16</p> <p>purporting [1] - 161:25</p> <p>purpose [8] - 37:15, 38:23, 96:10, 116:2, 139:1, 139:8, 142:17, 145:12</p> <p>purposes [4] - 123:3, 142:14, 160:24, 162:8</p> <p>put [32] - 10:9, 81:5, 81:6, 82:18, 84:9, 84:11, 84:19, 92:12, 98:24, 111:3, 114:2, 114:15, 114:21, 115:2, 116:23, 116:24, 119:15, 121:13, 122:15, 125:21, 126:18, 132:16, 137:25, 144:17, 148:1, 148:11, 148:18,</p>	<p>154:17, 157:1, 157:2</p> <p>puts [1] - 163:5</p> <p>putting [4] - 101:13, 101:18, 111:6, 124:13</p>
Q				
<p>qualification [1] - 123:10</p> <p>qualifications [6] - 67:19, 75:4, 116:3, 124:24, 150:15, 158:15</p> <p>qualified [4] - 44:23, 99:18, 100:2, 100:13</p> <p>quality [1] - 127:6</p> <p>quarterback [1] - 39:6</p> <p>questioned [2] - 64:6, 160:16</p> <p>questioning [4] - 38:10, 45:23, 46:2, 161:10</p> <p>questions [17] - 34:5, 37:15, 42:13, 44:11, 46:17, 55:1, 55:23, 110:19, 133:25, 139:15, 142:21, 143:2, 143:5, 150:1, 154:25, 156:15, 160:2</p> <p>quick [1] - 65:18</p> <p>quickly [3] - 116:12, 139:16, 153:19</p> <p>quite [2] - 52:3, 69:3</p> <p>quoted [1] - 82:15</p>				
R				
<p>R-o-h-r-b-a-u-g-h [1] - 10:25</p> <p>raise [1] - 7:12</p> <p>ran [4] - 20:25, 34:17, 49:4, 49:9</p> <p>rarely [1] - 63:4</p> <p>rather [2] - 98:18, 160:25</p> <p>re [5] - 20:25, 48:21, 49:4, 49:9, 55:5, 55:17, 137:25</p> <p>re-put [2] - 137:25</p> <p>re-ran [3] - 20:25, 49:4, 49:9</p> <p>re-run [3] - 48:21, 55:5, 55:17</p> <p>reach [5] - 8:13, 50:15, 51:4, 73:21, 101:24</p> <p>reached [2] - 14:5, 23:9</p>				

read [11] - 17:20,
18:19, 32:13, 54:12,
54:13, 86:8, 92:13,
106:3, 127:12,
151:19, 154:9
reading [1] - 113:1
reads [1] - 158:6
ready [4] - 8:7, 109:13,
109:16, 147:12
real [3] - 128:15,
137:2, 137:11
realize [4] - 27:10,
27:13, 55:24, 98:12
realized [5] - 56:1,
64:2, 88:4, 88:7,
107:16
really [20] - 6:17,
36:22, 59:21, 67:13,
69:20, 71:11, 72:16,
73:22, 74:9, 100:11,
100:12, 103:6,
103:8, 111:16,
131:14, 145:18,
147:5, 164:3,
164:10, 166:6
reason [9] - 27:6,
51:7, 51:22, 83:13,
98:10, 102:4,
137:13, 137:16,
156:21
reasoning [2] -
110:13, 142:18
reasons [3] - 8:6,
75:15, 100:23
recalled [2] - 145:14,
146:2
receipt [1] - 167:1
receive [10] - 14:23,
20:18, 37:22, 41:14,
44:23, 122:18,
132:22, 148:14,
149:3, 164:24
received [12] - 21:20,
23:14, 28:11, 32:20,
33:15, 41:8, 46:14,
47:1, 59:17, 94:4,
128:9, 149:24
receiving [1] - 150:18
recognize [16] - 12:9,
17:15, 42:24, 43:11,
43:14, 43:16, 127:7,
128:5, 136:8,
136:10, 138:18,
140:2, 140:4,
140:14, 140:15
recognized [2] -
43:22, 71:3
recollection [3] -
153:2, 163:19,
163:21

recommendation [3] -
59:15, 96:13, 96:15
recommendations [1]
- 86:24
RECORD [1] - 1:6
record [31] - 4:12,
4:13, 6:3, 6:21, 7:23,
7:25, 8:4, 10:10,
23:4, 36:23, 42:11,
60:15, 73:7, 74:10,
76:3, 81:4, 103:12,
103:24, 104:12,
108:19, 110:16,
151:19, 153:17,
156:9, 160:24,
161:17, 161:18,
162:8, 163:3, 166:9,
166:23
Record [1] - 59:23
records [16] - 5:3, 5:5,
7:14, 56:23, 57:10,
58:8, 59:8, 59:11,
59:12, 63:15, 68:20,
68:22, 73:22, 73:24,
74:1, 161:23
Records [5] - 6:3, 8:5,
66:5, 106:20, 107:3
RECROSS [1] -
157:10
Recross [2] - 2:8, 2:13
recross [2] - 65:13,
157:8
RECROSS-
EXAMINATION [1] -
157:10
Recross-
Examination [2] -
2:8, 2:13
red [1] - 150:6
redact [2] - 33:13,
73:9
redacted [7] - 7:18,
13:7, 66:7, 71:16,
71:21, 80:14, 80:17
redactions [3] - 70:24,
71:22, 90:17
redirect [3] - 62:15,
154:23, 161:13
Redirect [2] - 2:7, 2:12
REDIRECT [2] - 62:19,
155:3
refer [3] - 42:1,
113:12, 117:7
reference [28] - 16:7,
36:5, 36:17, 44:20,
45:8, 84:1, 85:10,
85:11, 86:23, 87:2,
87:3, 87:4, 87:9,
93:5, 98:1, 98:6,
98:8, 98:16, 99:13,

100:15, 103:3,
106:15, 107:24,
111:10, 111:11,
113:5, 125:16,
134:11
referenced [1] -
117:11
references [14] - 14:7,
15:5, 26:17, 34:15,
34:21, 45:7, 66:24,
68:18, 75:6, 83:25,
97:19, 114:11,
114:24
References [1] - 47:15
referred [1] - 88:15
referring [2] - 93:3,
114:22
refresh [1] - 163:21
refute [1] - 74:25
regard [5] - 15:24,
109:25, 156:16,
156:22, 158:2
regarding [1] - 89:18
regular [2] - 81:14,
88:14
regularly [2] - 160:23,
163:2
Reltano [2] - 1:25,
168:11
reiterated [1] - 27:15
relate [3] - 5:4, 32:10,
59:8
related [10] - 11:14,
65:7, 73:4, 111:23,
134:7, 142:10,
150:24, 161:10,
163:24
relates [1] - 164:3
relation [1] - 59:22
relationship [2] -
101:7, 118:16
release [1] - 97:17
released [9] - 52:8,
52:24, 52:25, 53:13,
54:15, 54:20, 54:24,
64:14, 97:17
relevance [15] - 8:19,
8:23, 36:19, 40:16,
50:21, 50:23, 81:16,
110:3, 123:20,
130:19, 131:8,
138:24, 142:10,
152:13, 159:1
relevancy [1] - 129:11
relevant [25] - 4:21,
5:1, 5:6, 6:13, 6:25,
9:11, 9:18, 37:4,
37:8, 37:12, 38:23,
39:8, 39:23, 40:1,
53:12, 60:10, 60:14,

67:11, 74:2, 81:15,
83:13, 99:20,
128:25, 134:6,
159:12
relied [1] - 39:7
reluctance [1] -
138:12
rely [1] - 37:16
relying [2] - 44:3,
125:14
remain [1] - 78:17
remainder [1] - 164:14
remedial [2] - 69:23,
71:9
remedy [1] - 73:25
remember [5] - 36:15,
41:1, 43:9, 56:4,
104:1
remembered [1] -
87:18
renew [1] - 166:1
renewing [1] - 51:16
renovating [1] -
144:17
renovation [1] - 141:4
repeat [2] - 21:22,
54:9
repeatedly [1] - 69:25
rephrase [1] - 52:11
reply [2] - 165:12,
165:14
report [3] - 21:1,
40:13, 41:12
Reported [1] - 1:24
reported [2] - 22:22,
101:2
reporter [1] - 77:19
Reporter [2] - 1:25,
168:11
reports [1] - 72:5
represent [3] - 130:17,
134:21, 138:3
representation [2] -
129:8, 135:12
representative [4] -
119:9, 129:3, 131:2,
131:20
representing [1] -
133:2
represents [1] - 44:2
reputation [7] - 102:8,
109:22, 109:25,
110:7, 156:22,
157:14, 157:15
reputational [1] -
115:13
request [49] - 8:13,
8:20, 8:24, 11:11,
11:18, 12:14, 14:21,
31:9, 37:3, 38:12,

51:5, 56:19, 56:22,
56:23, 57:1, 57:4,
57:6, 57:14, 57:20,
58:7, 63:3, 63:8,
66:10, 66:12, 66:16,
67:9, 68:4, 68:17,
68:24, 69:13, 69:18,
70:1, 71:12, 74:19,
74:21, 74:22, 75:13,
75:21, 77:6, 77:7,
77:16, 79:7, 95:16,
105:16, 154:17,
166:1, 166:6, 167:8
Request [2] - 3:4, 12:4
requestable [1] -
68:22
requested [11] - 8:14,
12:18, 66:14, 68:6,
68:23, 69:19, 69:21,
71:25, 72:20, 77:23,
166:23
requesting [2] - 12:14,
12:15
requestor [7] - 69:20,
70:23, 73:21, 74:12,
74:13, 75:12, 78:16
requests [5] - 11:14,
11:15, 57:16, 72:17,
91:9
require [2] - 66:15,
143:6
required [2] - 16:13,
167:7
requirement [12] -
29:11, 30:5, 31:19,
32:14, 72:23, 78:12,
79:14, 87:12, 90:10,
90:16, 161:19,
163:25
requires [1] - 162:5
rescue [3] - 17:3,
124:9
research [1] - 101:22
reserve [1] - 166:14
resorting [1] - 70:6
respect [5] - 42:12,
66:1, 161:16,
161:22, 163:20
respectfully [1] - 69:1
respond [2] - 72:16,
107:8
responded [1] - 60:13
Respondent [1] -
167:4
respondent [1] -
167:5
RESPONDENTS [1] -
3:12
Respondent's [15] -
41:22, 42:3, 126:4,

<p>126:23, 128:20, 129:10, 129:13, 133:19, 141:23, 142:16, 142:23, 155:8, 160:8, 160:9, 160:10</p> <p>respondent's [1] - 160:14</p> <p>responding [1] - 69:18</p> <p>response [7] - 38:3, 40:18, 60:16, 70:18, 84:15, 93:24, 110:10</p> <p>responsibility [1] - 71:7</p> <p>responsive [3] - 6:21, 58:9, 73:14</p> <p>rest [2] - 71:6, 108:23</p> <p>restate [1] - 41:3</p> <p>restricted [4] - 95:3, 96:5, 96:22, 148:3</p> <p>restriction [3] - 54:3, 94:24, 148:19</p> <p>restrictions [2] - 97:14, 97:16</p> <p>results [1] - 71:23</p> <p>resume [1] - 109:13</p> <p>retain [5] - 15:9, 28:16, 31:11, 31:23, 34:24, 95:4</p> <p>retained [1] - 32:14</p> <p>retraction [1] - 156:16</p> <p>returned [2] - 31:1, 72:24</p> <p>review [13] - 7:14, 8:23, 15:16, 26:17, 30:6, 32:15, 33:21, 67:13, 75:22, 139:9, 162:11, 166:1, 166:16</p> <p>reviewed [7] - 12:11, 15:19, 21:25, 23:9, 72:24, 105:15, 107:1</p> <p>reviewing [2] - 50:3, 64:17</p> <p>right-hand [1] - 136:9</p> <p>Right-to-Know [10] - 3:4, 5:2, 12:4, 37:5, 60:15, 68:8, 68:17, 69:3, 69:13, 69:23, 70:1, 70:22, 71:21, 72:15, 73:8, 73:15, 73:20, 75:13, 143:4</p> <p>right-to-know [14] - 11:10, 11:13, 11:15, 11:18, 12:14, 31:9, 38:11, 56:25, 57:4, 63:3, 63:8, 67:9, 68:24, 77:7</p> <p>rights [1] - 158:22</p>	<p>risk [7] - 17:1, 17:2, 100:19, 100:20, 134:16</p> <p>road [2] - 37:11, 152:16</p> <p>roadside [1] - 98:14</p> <p>rock [1] - 72:18</p> <p>ROHRBAUGH [2] - 2:4, 10:14</p> <p>Rohrbaugh [31] - 10:8, 10:12, 10:25, 11:7, 12:7, 27:25, 28:18, 34:10, 52:5, 53:17, 60:21, 63:1, 79:18, 80:4, 81:18, 82:6, 85:3, 85:23, 86:14, 87:19, 89:5, 89:18, 90:3, 92:11, 92:18, 93:12, 93:23, 94:13, 94:19, 100:25, 109:20</p> <p>Rohrbaugh's [1] - 106:24</p> <p>role [1] - 12:19</p> <p>rolodex [1] - 98:5</p> <p>Ron [2] - 67:3, 92:23</p> <p>routine [2] - 14:15, 14:17</p> <p>RPR [2] - 1:25, 168:11</p> <p>rule [2] - 39:24, 153:11</p> <p>rules [1] - 153:2</p> <p>ruling [3] - 153:7, 162:10, 166:13</p> <p>run [9] - 19:18, 21:7, 21:8, 45:13, 48:15, 48:21, 55:5, 55:17, 101:15</p> <p>résumé [12] - 14:20, 16:4, 33:10, 33:11, 67:1, 67:6, 110:21, 110:23, 113:24, 114:2, 122:6, 132:16</p>	<p>S</p> <p>safe [1] - 159:4</p> <p>safety [1] - 159:7</p> <p>sake [1] - 44:17</p> <p>salacious [5] - 101:4, 111:20, 113:19, 154:1, 158:11</p> <p>salaciously [1] - 101:23</p> <p>salary [1] - 158:14</p> <p>salutation [1] - 164:9</p> <p>satisfaction [1] - 27:3</p> <p>satisfied [5] - 15:23, 36:21, 37:1, 37:7, 41:7, 165:12</p>	<p>Saturday [1] - 111:6</p> <p>SAU [3] - 12:23, 60:8, 114:11</p> <p>saw [11] - 6:19, 26:11, 43:6, 43:17, 58:16, 61:24, 65:2, 65:4, 140:18, 143:20, 144:6</p> <p>schedule [5] - 6:9, 164:20, 165:20, 165:25, 166:20</p> <p>Schnauzer [2] - 130:25, 132:1</p> <p>Schnauzer-type [1] - 130:25</p> <p>Schnauzers [4] - 132:2, 132:3, 132:5, 132:6</p> <p>screen [9] - 112:15, 114:17, 117:25, 118:22, 123:2, 125:10, 126:21, 136:17</p> <p>screenshot [2] - 129:5, 133:23</p> <p>scrutinize [1] - 74:1</p> <p>seal [1] - 162:1</p> <p>sealed [1] - 161:24</p> <p>search [6] - 14:2, 14:11, 57:10, 58:2, 58:4, 70:2</p> <p>searched [1] - 56:12</p> <p>searches [3] - 17:2, 55:10, 58:18</p> <p>seat [3] - 10:19, 76:11, 76:18</p> <p>Second [2] - 3:6, 13:17</p> <p>second [27] - 13:13, 13:21, 16:2, 20:19, 20:21, 21:7, 21:18, 27:10, 37:14, 51:17, 66:15, 72:13, 78:2, 79:22, 79:24, 82:19, 85:4, 85:14, 92:14, 104:11, 106:4, 144:6, 148:23, 163:22, 163:23, 164:9, 164:14</p> <p>seconds [5] - 65:5, 140:5, 143:15, 143:17, 143:19</p> <p>secrecy [1] - 70:21</p> <p>section [7] - 30:7, 68:11, 68:19, 69:6, 73:16, 97:13, 149:13</p> <p>Section [1] - 8:5</p> <p>Security [1] - 98:23</p> <p>security [10] - 11:14, 12:20, 17:2, 52:1,</p>	<p>71:16, 72:22, 89:2, 96:22, 96:23, 97:14, 97:16, 98:9, 134:16, 139:7, 143:2, 144:10, 149:13, 151:1</p> <p>see [41] - 8:23, 19:4, 46:20, 51:16, 69:15, 71:13, 77:21, 84:23, 87:6, 91:10, 95:12, 95:13, 96:15, 108:21, 112:15, 114:3, 114:17, 116:21, 117:14, 117:21, 117:22, 118:22, 126:10, 128:24, 129:2, 134:19, 136:14, 138:8, 139:9, 141:13, 141:25, 142:4, 143:25, 144:5, 144:12, 144:22, 146:4, 146:7, 146:8, 150:16, 162:2</p> <p>seeing [5] - 25:17, 25:18, 121:7, 130:10, 139:1, 144:11</p> <p>seek [3] - 9:3, 10:1, 149:1</p> <p>seem [2] - 39:7, 64:22</p> <p>sees [1] - 138:13</p> <p>SEGALBAUM [1] - 1:5</p> <p>Segelbaum [3] - 5:16, 77:19, 81:24</p> <p>Segelbaum's [3] - 67:9, 69:12, 86:4</p> <p>segment [1] - 99:25</p> <p>selected [1] - 89:14</p> <p>selectively [1] - 103:1</p> <p>self [2] - 161:23, 161:24</p> <p>self-authenticated [1] - 161:23</p> <p>self-authenticating [1] - 161:24</p> <p>semantics [1] - 146:19</p> <p>send [17] - 55:6, 67:2, 81:14, 81:17, 84:8, 84:19, 85:14, 85:20, 85:23, 88:14, 89:3, 89:4, 91:17, 92:6, 92:22, 93:2, 93:7</p> <p>sender [1] - 163:7</p> <p>sending [1] - 19:14</p> <p>sends [1] - 145:23</p> <p>senior [4] - 12:16, 77:17, 122:23, 124:9</p> <p>sense [5] - 45:4, 53:1,</p>	<p>54:2, 54:21, 54:24, 147:6</p> <p>sensitive [1] - 151:1</p> <p>sensory [1] - 147:3</p> <p>Sent [1] - 85:22</p> <p>sent [20] - 17:18, 20:5, 30:8, 31:7, 80:3, 85:19, 86:9, 86:14, 87:24, 88:6, 88:9, 88:12, 89:1, 89:6, 89:7, 91:25, 92:11, 151:22, 163:16</p> <p>sentences [2] - 116:11, 163:21</p> <p>separate [11] - 35:2, 46:23, 56:16, 84:12, 86:18, 89:21, 106:9, 107:14, 111:17, 145:16, 146:24</p> <p>separated [2] - 145:11, 146:13</p> <p>separately [2] - 79:21, 89:4</p> <p>September [5] - 17:5, 31:7, 33:16, 75:2, 80:3, 81:18, 85:7, 85:20</p> <p>serve [2] - 26:24, 83:22</p> <p>served [3] - 84:2, 98:19, 107:9</p> <p>Service [2] - 3:5, 79:9</p> <p>service [15] - 21:5, 74:8, 74:11, 79:12, 79:13, 84:7, 84:13, 85:25, 88:12, 88:13, 88:16, 88:25, 89:1, 97:13, 151:12</p> <p>services [20] - 5:4, 12:21, 12:24, 16:24, 20:12, 32:9, 32:10, 33:19, 59:8, 59:13, 59:19, 60:3, 60:10, 62:23, 73:4, 74:7, 97:3, 110:1, 111:23, 156:6</p> <p>serving [1] - 82:14</p> <p>sessions [1] - 124:7</p> <p>set [10] - 35:25, 67:19, 87:2, 95:15, 99:21, 99:24, 99:25, 136:8, 137:5, 137:6</p> <p>sets [4] - 67:6, 84:25, 93:1, 114:9</p> <p>setting [7] - 70:17, 120:15, 144:4, 145:4, 147:22, 165:20, 166:20</p> <p>seven [1] - 125:10</p> <p>several [7] - 34:4,</p>
---	--	--	--	---	--

35:8, 60:12, 85:3,
88:18, 98:3, 130:16
shall [1] - 167:5
shape [1] - 107:2
share [8] - 9:15,
39:19, 102:18,
103:22, 116:3,
149:8, 150:14,
150:21
shared [7] - 9:23,
9:24, 25:8, 44:19,
44:21, 46:20, 112:11
sharing [1] - 114:8
SHAWN [3] - 2:4,
10:14, 10:24
Shawn [2] - 10:8,
10:24
Shawna [2] - 118:13,
118:15
sheet [2] - 122:15,
122:16
sheriff [4] - 22:25,
43:19, 44:1, 92:23
Sheriff [1] - 67:3
Sheriffs [7] - 41:13,
81:7, 98:13, 101:8,
128:9, 160:17,
160:18
sheriffs [3] - 43:12,
60:7, 83:23
sheriffs [1] - 95:21
Sheriffs [3] - 101:13,
101:15, 101:17
Sherri [2] - 1:25,
168:11
shooting [1] - 147:1
short [2] - 108:15,
116:13
shortly [1] - 91:17
shotguns [1] - 135:9
shoulder [1] - 25:13
show [21] - 12:7, 13:6,
17:14, 24:23, 28:18,
29:7, 37:16, 49:2,
84:1, 91:23, 96:6,
96:18, 98:21,
101:24, 126:21,
130:25, 133:15,
145:3, 145:17,
146:13, 147:18
showed [7] - 14:6,
24:25, 30:14, 34:24,
36:8, 51:19, 61:24
showing [14] - 13:20,
29:17, 48:22,
133:22, 133:23,
134:22, 135:9,
135:20, 136:3,
136:21, 137:15,
141:25, 147:23,

148:22
shown [6] - 15:3,
27:11, 34:20,
132:20, 133:4,
139:21
shows [4] - 104:8,
136:13, 147:10,
147:22
side [4] - 41:19, 98:13,
101:19, 125:8
sidebar [1] - 152:17
sides [1] - 105:5
sign [1] - 97:10
signage [1] - 25:11
signature [1] - 161:25
signed [1] - 5:15
significant [1] -
139:20
significantly [1] -
135:4
signing [2] - 51:13,
51:17
similar [4] - 59:13,
60:3, 78:20, 96:19
simple [1] - 129:7
simply [3] - 39:25,
52:9, 163:10
sitting [2] - 78:1,
84:16
situation [1] - 86:6
six [1] - 55:16
sizes [1] - 47:21
skill [8] - 5:18, 67:6,
67:19, 84:24, 92:25,
99:21, 99:24, 99:25,
114:9
slander [1] - 110:4
slandorous [2] -
93:10, 111:20
slightly [2] - 40:5,
44:15
small [2] - 102:11,
114:5
Smith [2] - 133:6,
133:13
social [6] - 55:14,
128:1, 135:24,
136:21, 137:23,
138:11
software [1] - 116:18
sole [1] - 118:19
solick [2] - 102:21,
102:24
Solicitor [1] - 1:19
solicitor's [1] - 7:7
someone [4] - 91:7,
91:8, 113:19, 113:20
sometime [6] - 13:5,
17:4, 36:2, 48:8,
56:2, 80:2

sometimes [2] -
81:10, 145:15
somewhere [1] -
113:20
soon [3] - 140:1,
140:3, 150:1
sorry [42] - 7:2, 18:9,
21:22, 28:23, 35:25,
41:25, 51:24, 56:21,
57:2, 58:13, 61:4,
80:10, 83:1, 85:22,
88:17, 88:19, 93:22,
103:5, 107:5,
107:12, 111:16,
114:16, 117:6,
118:14, 119:7,
119:10, 126:17,
128:13, 130:3,
130:23, 131:10,
133:10, 140:25,
144:14, 145:9,
147:13, 155:1,
157:16, 158:9,
160:18
sort [5] - 34:12, 34:14,
37:20, 92:17, 114:5
sought [1] - 66:17
sounds [3] - 10:5,
67:15, 120:11
South [11] - 35:11,
36:12, 36:15, 40:8,
40:10, 43:10, 64:7,
77:18, 160:14,
160:19, 161:7
Spartanburg [8] -
41:13, 64:10, 64:11,
128:8, 160:17,
160:18, 161:11,
161:14
special [3] - 77:17,
101:19, 146:10
specific [14] - 22:20,
24:24, 48:9, 48:19,
49:7, 57:21, 78:23,
83:24, 95:12,
100:16, 110:13,
125:7, 142:12,
142:21
specifically [20] - 5:3,
8:21, 11:17, 35:18,
44:1, 56:8, 71:25,
79:7, 80:16, 84:15,
84:18, 85:8, 97:6,
99:7, 147:3, 148:5,
154:6, 161:10,
163:16, 163:19
specificity [1] - 56:4
specifics [1] - 35:9
specify [1] - 68:17
Speech [3] - 111:5,

116:11, 116:17
spell [1] - 10:23
spend [1] - 4:22
spent [1] - 84:18
spot [1] - 144:1
spreads [1] - 102:11
stage [1] - 140:20
staged [2] - 137:5,
142:13
stairs [4] - 144:1,
144:6, 145:21
stand [7] - 10:8, 77:9,
93:19, 109:10,
153:22, 160:4, 163:4
standard [2] - 9:10,
97:15
standout [1] - 100:5
stapler [1] - 43:4
start [3] - 4:10, 87:10,
139:23
starts [2] - 80:23,
114:13
state [8] - 17:24, 23:3,
92:4, 95:18, 95:19,
115:18
statement [10] - 5:7,
18:18, 18:19, 32:6,
56:10, 56:14, 78:14,
92:3, 92:8, 159:12
States [4] - 48:22,
49:2, 151:6, 159:19
status [1] - 71:19
step [2] - 65:15,
103:13
steps [1] - 58:7
sticker [1] - 126:24
stickles [1] - 9:12
still [11] - 20:12,
20:14, 20:15, 31:8,
67:22, 73:1, 105:22,
134:19, 135:5,
139:4, 139:11
stint [1] - 151:15
stipulation [4] - 4:17,
5:23, 8:13, 8:24
STL [22] - 47:16,
66:24, 86:22,
104:21, 112:16,
112:21, 113:12,
113:13, 114:10,
114:14, 114:17,
114:19, 117:22,
122:7, 125:15,
125:22, 127:13,
136:5, 137:14,
138:4, 138:11, 145:2
stop [4] - 86:7, 102:4,
102:7, 142:5
stopped [1] - 143:14
strict [1] - 96:6

strictly [1] - 132:21
strike [5] - 51:24,
79:22, 85:19, 156:3,
164:13
strip [2] - 137:22,
137:24
stripped [1] - 138:1
struggling [1] -
112:25
stuff [1] - 106:14
sub [1] - 134:15
subject [6] - 7:14,
38:11, 39:9, 44:7,
75:22, 163:8
subjective [2] - 38:25,
39:13
submit [2] - 4:13,
68:13
submitted [3] - 67:18,
71:18, 110:5
subsequently [1] -
59:20
substantially [2] -
59:12, 60:3
substantive [5] - 7:20,
7:21, 8:3, 8:22,
21:21
sufficient [1] - 6:16
sufficiently [1] - 116:5
sugar [2] - 103:7,
108:15
suggesting [2] -
68:22, 68:23
sult [3] - 115:11,
115:18, 158:22
summary [1] - 125:18
superfluous [1] -
38:19
superiors [2] - 16:16,
33:18
supplement [1] - 4:12
supply [1] - 108:15
support [4] - 5:16,
71:19, 85:13, 166:24
Support [1] - 8:17
supporters [2] - 67:4,
92:24
supporting [2] - 69:4,
113:18
suppose [1] - 69:5
supposed [3] - 109:2,
109:7, 113:17
Supreme [1] - 69:24
surprised [1] - 87:22
surrounding [1] - 6:24
sustain [2] - 40:2,
51:3
swath [1] - 69:10
sworn [2] - 10:16,
76:15

system [4] - 23:7, 23:13, 103:1, 147:4	44:6, 48:1, 49:3, 50:5, 51:22, 53:13, 65:24, 73:2, 113:11, 117:22, 119:2, 142:17, 152:5, 152:7, 160:20, 161:14, 164:11	135:16, 138:15, 139:1, 139:8, 139:22, 139:25, 140:1, 140:6, 140:7, 140:10, 140:11, 141:1, 141:3, 142:1, 142:7, 142:14, 143:5, 143:10, 144:20, 144:23, 147:8, 147:9, 147:11, 147:13, 152:6, 152:18, 153:2, 153:10, 153:15, 154:7, 154:9, 154:23, 155:1, 157:8, 159:6, 159:9, 159:15, 160:3, 160:5, 160:7, 161:3, 161:16, 161:22, 162:4, 162:15, 162:17, 162:22, 163:18, 164:7, 164:18, 164:22, 165:6, 165:11, 165:15, 165:19, 165:23, 166:12, 166:19, 167:5, 167:14	timeline [4] - 5:5, 6:1, 35:23, 138:23 timely [1] - 75:17 timestamp [1] - 143:13 timing [1] - 7:6 title [10] - 7:21, 11:8, 53:21, 98:25, 108:4, 116:23, 116:24, 123:15, 125:15 titled [2] - 104:21, 113:13 titles [2] - 99:2, 100:19 TO [2] - 2:1, 3:1 today [31] - 5:13, 5:21, 6:1, 6:4, 6:7, 6:10, 7:4, 7:10, 8:17, 8:20, 9:6, 11:11, 36:23, 45:25, 64:1, 66:5, 66:6, 69:14, 71:14, 75:10, 75:16, 76:5, 77:7, 107:14, 113:11, 115:22, 116:9, 131:9, 152:14, 153:22, 156:15 today's [1] - 138:24 together [13] - 66:25, 67:6, 82:18, 84:19, 101:14, 106:17, 108:19, 111:3, 111:7, 113:4, 114:15, 122:16, 125:21 took [2] - 15:20, 36:8 top [7] - 17:21, 17:23, 78:12, 93:4, 105:10, 106:14, 163:25 topic [2] - 154:8, 158:2 total [1] - 143:15 toward [1] - 38:4 towards [1] - 27:22 tower [1] - 117:18 track [1] - 106:22 trade [1] - 71:17 trademarked [1] - 100:18 trademarking [1] - 100:22 trained [1] - 146:11 trainer [1] - 124:15 training [25] - 12:24, 15:6, 17:1, 22:2, 25:21, 41:15, 44:23, 59:16, 59:18, 59:22, 60:9, 86:7, 90:24, 96:24, 96:25, 99:19, 100:6, 101:19, 102:7, 121:10,	124:7, 124:17, 140:17, 150:24, 156:7 trainings [3] - 99:14, 100:16, 100:18 transcript [5] - 6:9, 129:23, 164:24, 165:7, 167:2, 168:6 TRANSCRIPT [1] - 1:21 transcripts [1] - 164:23 transfer [1] - 108:20 translate [1] - 116:18 transmit [2] - 91:2, 91:4 transparent [1] - 106:20 transport [1] - 100:21 transports [1] - 17:3 treated [2] - 158:18, 158:19 trial [1] - 45:25 trick [1] - 140:22 tried [2] - 23:24, 81:14 trouble [1] - 58:14 true [3] - 22:17, 128:11, 144:2, 158:3, 159:8, 161:6 trust [2] - 157:1, 157:3 trustees [1] - 144:14 truth [4] - 22:10, 94:2, 94:7, 160:25 truthful [2] - 22:10, 94:15 try [13] - 4:19, 24:2, 69:19, 108:15, 120:16, 122:11, 122:17, 134:2, 135:15, 141:20, 144:4, 144:17, 164:25 trying [11] - 39:13, 40:21, 51:1, 104:1, 106:3, 107:13, 112:14, 122:12, 132:15, 145:17, 146:16 turn [5] - 48:24, 56:13, 58:2, 63:5, 109:15, 150:11 turned [1] - 38:21 twenty [1] - 143:16 twenty-three [1] - 143:16 two [40] - 6:6, 18:3, 20:20, 21:6, 22:20, 47:12, 49:17, 49:21, 56:10, 56:15, 56:16, 65:5, 66:23, 75:2,
T	tactic [1] - 146:18 tactics [12] - 134:22, 135:6, 141:16, 141:17, 145:3, 145:10, 146:6, 146:15, 146:16, 146:21, 147:17 tag [1] - 7:3 target [5] - 103:1, 141:19, 142:2, 142:4, 142:5 taxpayers [1] - 158:13 teach [1] - 99:25 teaching [1] - 99:20 team [5] - 12:16, 77:17, 96:15, 127:25, 128:2 technically [1] - 72:22 technology [1] - 5:18 teleconference [3] - 56:9, 58:5, 58:23 telephone [3] - 63:10, 63:16, 91:13 ten [1] - 153:3 tens [1] - 145:13 term [1] - 141:16 terminology [1] - 150:25 terms [3] - 24:23, 32:9, 153:7 test [1] - 129:6 testified [45] - 10:17, 34:20, 34:23, 36:1, 36:11, 36:19, 37:6, 37:12, 37:21, 38:18, 39:16, 40:7, 40:19, 41:6, 46:16, 46:17, 47:3, 47:7, 48:4, 48:7, 53:9, 53:17, 53:18, 55:25, 58:20, 58:21, 58:22, 59:1, 59:7, 59:8, 67:16, 76:16, 87:11, 94:10, 118:9, 119:8, 139:18, 140:19, 141:24, 151:21, 157:12, 159:4, 159:7, 161:5, 163:19 testify [5] - 9:21, 37:25, 93:21, 163:7, 163:8 testifying [1] - 120:11 testimony [24] - 5:1, 5:21, 5:25, 8:8, 34:14, 37:8, 38:4,	text [5] - 46:22, 89:6, 89:8, 112:9, 116:24 THE [188] - 1:1, 1:5, 2:3, 4:4, 4:6, 4:10, 4:24, 5:10, 7:1, 8:7, 10:3, 10:11, 10:19, 10:21, 10:22, 10:24, 11:22, 11:24, 13:16, 18:11, 32:2, 34:2, 37:14, 38:9, 38:24, 39:3, 39:5, 39:22, 40:18, 40:23, 41:2, 41:3, 41:20, 42:2, 42:15, 43:6, 44:15, 45:5, 46:5, 50:22, 51:3, 51:7, 52:13, 53:19, 54:9, 54:14, 60:16, 60:19, 62:15, 65:13, 65:15, 65:19, 65:21, 66:20, 67:24, 68:9, 68:21, 69:16, 70:14, 74:15, 74:18, 75:24, 76:10, 76:18, 88:20, 93:22, 93:24, 94:5, 103:9, 103:13, 103:16, 103:17, 103:21, 104:11, 104:14, 104:16, 105:3, 106:4, 107:21, 107:24, 108:7, 108:10, 109:1, 109:9, 109:11, 109:12, 109:15, 110:10, 110:15, 112:3, 115:21, 115:24, 115:25, 117:11, 117:14, 120:19, 120:25, 121:14, 121:18, 121:20, 121:22, 123:22, 124:11, 124:18, 124:20, 124:21, 124:25, 125:2, 126:8, 126:11, 126:18, 126:23, 126:25, 127:1, 127:2, 127:3, 128:21, 129:4, 130:1, 130:3, 130:20, 131:15, 131:18, 131:20, 131:23, 133:8, 133:10, 135:11,	theatrical [1] - 136:22 themselves [2] - 23:12, 68:16 thereafter [1] - 91:18 therein [1] - 71:20 they've [4] - 110:7, 135:4, 138:1, 138:17 thinking [2] - 88:5 thinks [1] - 156:19 third [7] - 5:3, 8:1, 70:3, 72:18, 73:19, 74:3, 107:10 third-party [6] - 5:3, 70:3, 72:18, 73:19, 74:3, 107:10 thirty [1] - 165:8 Thompson [2] - 101:8, 101:12 Thompsons [1] - 101:10 thoughts [1] - 4:14 thousands [1] - 145:13 three [3] - 83:9, 87:5, 106:22, 107:8, 114:3, 132:20, 143:16, 156:10, 162:14 threshold [1] - 74:19 tight [1] - 108:16 timed [2] - 24:5, 24:6 timeframe [1] - 138:5	

<p>78:3, 83:9, 84:9, 84:12, 86:16, 86:18, 87:4, 87:7, 87:16, 93:16, 95:8, 101:9, 111:17, 112:11, 112:18, 114:3, 130:25, 132:20, 139:15, 140:5, 150:9, 150:10, 163:14, 163:21, 166:7</p> <p>type [5] - 41:15, 44:23, 116:12, 130:25, 131:21</p> <p>typed [1] - 116:22</p> <p>types [3] - 22:8, 72:6, 97:10</p> <p>typically [2] - 50:25, 144:12</p>	<p>United [9] - 48:22, 49:2, 151:6, 151:15, 152:10, 152:23, 154:4, 154:14, 159:19</p> <p>units [1] - 96:22</p> <p>unless [2] - 128:23, 142:20</p> <p>unrelated [1] - 33:22</p> <p>unsafe [1] - 158:24</p> <p>unsuccessful [1] - 68:15</p> <p>untrue [1] - 23:10</p> <p>unusual [2] - 64:22, 64:24</p> <p>unwarranted [1] - 70:9</p> <p>up [64] - 4:16, 6:3, 8:22, 10:12, 14:5, 15:14, 23:17, 35:25, 37:23, 38:21, 44:11, 48:4, 48:24, 55:2, 56:13, 58:3, 63:2, 70:23, 76:11, 77:9, 78:1, 79:13, 80:6, 87:2, 87:20, 93:12, 100:21, 104:8, 104:20, 105:9, 106:7, 109:12, 109:16, 110:25, 114:17, 119:15, 120:8, 120:25, 122:22, 124:6, 126:18, 130:21, 131:5, 135:11, 136:8, 136:9, 136:18, 137:25, 140:4, 141:16, 141:19, 141:25, 142:2, 145:20, 147:22, 148:1, 148:18, 149:22, 149:24, 150:1, 153:19, 155:10, 157:4</p> <p>update [1] - 90:24</p> <p>updated [1] - 90:25</p> <p>upset [2] - 87:22, 153:22</p> <p>US [2] - 98:17, 158:22</p> <p>USDOD [1] - 151:10</p> <p>uses [1] - 158:20</p> <p>utilize [1] - 141:15</p> <p>utilizing [1] - 148:10</p>	<p>value [1] - 102:14</p> <p>valued [1] - 100:20</p> <p>variety [1] - 99:19</p> <p>various [3] - 8:6, 108:17, 166:24</p> <p>Vedder [1] - 103:25</p> <p>vending [1] - 103:14</p> <p>vendor [5] - 8:2, 72:18, 73:19, 74:3, 107:10</p> <p>vendors [1] - 14:12</p> <p>veracity [1] - 139:18</p> <p>verified [3] - 111:1, 111:9, 160:21</p> <p>Verified [11] - 104:10, 104:21, 105:6, 112:16, 113:13, 114:16, 116:19, 122:6, 123:6, 125:15, 149:6</p> <p>verifies [1] - 121:20</p> <p>verify [6] - 22:16, 26:23, 27:2, 27:8, 93:13, 111:12</p> <p>Version [1] - 66:24</p> <p>version [1] - 47:16</p> <p>versions [1] - 108:17</p> <p>versus [1] - 39:3</p> <p>vet [1] - 21:17</p> <p>vett [1] - 37:7</p> <p>vetting [7] - 14:2, 34:14, 38:6, 38:13, 38:20, 38:21, 44:3</p> <p>video [88] - 9:3, 9:19, 10:6, 61:8, 62:2, 65:1, 65:3, 132:19, 133:21, 134:20, 135:5, 135:8, 136:14, 136:21, 137:18, 137:19, 137:23, 137:25, 138:1, 138:3, 138:8, 138:13, 138:14, 138:17, 138:19, 138:21, 139:2, 139:9, 139:12, 139:24, 140:3, 140:7, 140:14, 141:18, 141:22, 141:24, 142:16, 142:17, 142:20, 142:22, 143:6, 143:11, 143:23, 144:9, 145:1, 145:12, 147:9, 147:20, 147:21, 147:25, 148:1, 148:5, 148:12, 148:21, 148:22, 148:23, 149:24,</p>	<p>155:16, 155:19, 156:3, 156:13, 167:15</p> <p>Video [2] - 3:15, 133:18</p> <p>videos [24] - 5:18, 8:14, 8:18, 8:25, 9:7, 9:8, 10:4, 61:14, 61:19, 62:1, 62:5, 64:25, 65:1, 134:22, 135:20, 135:23, 136:3, 137:14, 140:20, 147:17, 149:18, 149:21, 149:22</p> <p>view [2] - 8:24, 70:8</p> <p>viewed [2] - 22:10, 143:19</p> <p>viewer [2] - 144:8, 146:14</p> <p>viewing [1] - 144:9</p> <p>viewpoint [1] - 69:17</p> <p>violated [1] - 148:21</p> <p>violating [1] - 98:23</p> <p>Virginia [1] - 22:25</p> <p>visitor [1] - 144:21</p> <p>visually [1] - 122:8</p> <p>vltae [16] - 8:21, 9:21, 12:16, 14:19, 16:4, 66:11, 67:7, 67:20, 69:2, 75:6, 77:16, 110:5, 113:21, 130:11, 159:17</p> <p>voluntarily [3] - 20:2, 72:4, 110:13</p> <p>volunteers [1] - 21:5</p> <p>voted [1] - 102:7</p> <p>VS [1] - 1:7</p>	<p>watch [2] - 142:20, 143:6</p> <p>watching [1] - 145:24</p> <p>water [1] - 88:17</p> <p>website [2] - 45:16, 55:13</p> <p>week [2] - 5:15, 122:1</p> <p>weekend [1] - 84:19</p> <p>weeks [5] - 93:16, 121:24, 122:1</p> <p>whatsoever [2] - 155:8, 156:9</p> <p>wheel [1] - 75:18</p> <p>wheelhouse [1] - 70:3</p> <p>whole [2] - 26:6, 71:17</p> <p>wholesale [1] - 71:22</p> <p>wife [1] - 118:18</p> <p>windows [1] - 147:18</p> <p>wish [1] - 145:5</p> <p>wishes [1] - 108:22</p> <p>withdraw [2] - 46:3, 60:17</p> <p>withholding [1] - 71:22</p> <p>withholdings [2] - 70:25, 71:8</p> <p>witness [25] - 10:15, 38:12, 41:18, 42:16, 45:4, 51:4, 52:6, 52:7, 52:9, 53:4, 53:20, 76:14, 93:19, 93:20, 129:9, 131:13, 141:24, 142:20, 151:15, 153:8, 160:15, 160:20, 161:1, 161:4, 161:13</p> <p>WITNESS [34] - 10:21, 10:24, 13:16, 18:11, 41:2, 43:6, 54:9, 54:14, 93:22, 103:16, 109:11, 115:25, 117:14, 121:22, 124:18, 124:21, 125:2, 126:25, 127:2, 130:3, 131:18, 131:23, 133:10, 139:25, 140:6, 140:10, 141:3, 142:1, 144:23, 147:9, 147:13, 154:9, 155:1, 160:5</p> <p>witness' [2] - 139:18, 142:17</p> <p>witnesses [4] - 6:5, 6:7, 7:10, 9:6</p> <p>WITNESSES [2] - 2:1, 121:18</p> <p>woman [1] - 156:24</p>
U				
<p>UK [7] - 21:10, 48:20, 48:23, 49:6, 49:8, 49:11, 151:21</p> <p>ultimately [1] - 38:18</p> <p>unable [8] - 23:25, 29:5, 29:8, 29:22, 64:2, 64:3, 87:17, 164:5</p> <p>unavailability [1] - 4:18</p> <p>unavailable [1] - 4:19</p> <p>uncover [1] - 72:17</p> <p>under [18] - 8:5, 20:14, 20:15, 37:5, 60:15, 71:16, 72:14, 72:15, 73:8, 73:20, 74:9, 100:10, 106:17, 111:24, 143:3, 144:1, 149:14</p> <p>undercover [3] - 98:14, 98:21, 99:9</p> <p>undergoing [1] - 141:4</p> <p>underneath [2] - 112:20, 144:6</p> <p>understood [2] - 37:15, 153:12</p> <p>undertake [1] - 58:17</p> <p>unexpected [1] - 165:17</p> <p>unfair [3] - 69:17, 136:17, 157:13</p> <p>unfortunately [3] - 70:18, 75:14, 102:9</p> <p>uniform [1] - 148:12</p> <p>uniquely [3] - 99:18, 100:1, 100:13</p> <p>unit [1] - 144:14</p>				
V				
<p>vaguely [1] - 138:22</p> <p>valid [1] - 52:3</p> <p>validity [2] - 22:1, 50:3</p>				
W				
<p>W-2 [1] - 62:21</p> <p>walt [2] - 18:9, 55:1</p> <p>walved [2] - 135:4, 161:19</p> <p>walk [1] - 126:22</p> <p>walking [1] - 144:21</p> <p>wall [1] - 97:6</p> <p>wants [3] - 69:20, 87:6, 95:12</p> <p>warden [19] - 19:25, 27:18, 30:23, 60:24, 61:17, 61:24, 63:20, 65:6, 65:8, 67:3, 67:16, 85:9, 87:19, 87:25, 89:17, 92:22, 93:20, 94:25</p> <p>wardens [1] - 30:23</p> <p>warning [1] - 149:17</p> <p>wasting [1] - 75:25</p>				

<p>wonderful [1] - 67:21</p> <p>word [6] - 75:5, 82:15, 82:16, 116:17, 146:18, 150:5</p> <p>words [5] - 102:23, 119:18, 123:2, 150:2, 153:25</p> <p>workplace [1] - 159:4</p> <p>works [2] - 100:11, 156:24</p> <p>world [2] - 25:3, 97:20</p> <p>worried [1] - 110:6</p> <p>wrap [2] - 150:1, 153:19</p> <p>wrapping [1] - 139:16</p> <p>Wright [2] - 43:14, 43:15</p> <p>writ [1] - 68:16</p> <p>write [2] - 81:8, 111:5</p> <p>writing [5] - 81:24, 82:4, 101:21, 149:10, 160:17, 160:19</p> <p>written [11] - 20:10, 59:23, 80:15, 81:6, 82:20, 83:11, 93:9, 101:5, 102:1, 158:11</p> <p>wrote [2] - 35:1, 36:10</p>	<p>Zoom [3] - 63:16, 91:13, 164:3</p>
Y	
<p>YCP [2] - 97:13, 149:12</p> <p>year [2] - 26:15, 55:15</p> <p>years [4] - 21:6, 90:23, 98:3, 153:3</p> <p>yelling [1] - 146:1</p> <p>YORK [3] - 1:1, 1:6, 1:8</p> <p>York [29] - 1:12, 11:8, 15:15, 42:8, 50:18, 53:22, 59:19, 59:23, 60:3, 60:8, 61:8, 62:10, 62:22, 62:23, 64:13, 71:18, 77:19, 78:24, 79:5, 96:19, 109:22, 115:20, 116:4, 148:20, 150:21, 150:23, 156:7, 157:23, 158:13</p> <p>young [1] - 140:17</p> <p>yourself [4] - 27:19, 36:9, 63:19, 82:7</p> <p>YouTube [3] - 9:25, 134:24, 135:24</p>	
Z	
<p>zero [1] - 146:6</p>	